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THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE

YEARS 1865-67.

Calcutta:

PRINTED AT THE BENGAL SECRETARIAT PRESS.

1877.

BENGAL SECRETARIAT LIBRARY

TITLES OF THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE YEARS 1865, 1866, and 1867.

ACTS OF 1865.

ACT No. I.—An Act to render valid certain acts and proceedings of the Judge of the Court of Session of the zillah of the 24-Pergunnahs.

" II.—An Act to repeal Act IX of 1862, passed by the Lieutenant-Governor of Bengal in Council (an Act to amend the law relating to the appointment of registers of deeds, and to provide for the establishment of deputy register offices).

" III.—An Act to make better provision for the prevention of injury from fire in ports, and to provide for the safe keeping of inflammable oils in ports and places within the provinces under the control of the Lieutenant-Governor of Bengal.

" IV.—An Act for the prohibition of the practice of inoculation in the Town and Suburbs of Calcutta, and in towns to which Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council, has been or shall hereafter be extended.

" V.—An Act to amend Act II of 1864, passed by the Lieutenant-Governor of Bengal in Council (an Act for the regulation of jails and the enforcement of discipline therein) and to extend the provisions thereof to the Presidency Jail.

Act No. VIII.—An Act to provide for the recovery of rates for water supplied by the East India Irrigation and Canal Company.

,, IX.—An Act to amend Act VI of 1863 and Act VI of 1866, passed by the Lieutenant-Governor of Bengal in Council.

,, X.—An Act to continue the existing settlement of the land revenue in the districts of Cuttack, Pooree, and Balasore until the expiration of the year 1304 Umlee.

,, XI.—An Act to provide from rates to be levied in the Town of Calcutta the expense of the Police of that Town, and to enable the Corporation of the Justices of the Peace for the Town of Calcutta to apply a portion of the Municipal Fund of the said Town for the support of a pauper hospital.

Reg. No. 2496.—B E.—300—2-3-77.

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ACT No. I of 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 31st December 1864, and of the Governor-General on the 6th January 1865.)

An Act to render valid certain acts and proceedings of the Judge of the Court of Session of the Zillah of the 24-Pergunnahs.

Preamble.

WHEREAS by an order of the Honorable the President of the Council of India in Council made on the 27th day of February 1843, a certain tract comprising the thana divisions known as Ompta, Ooloobariah, Kotra, Rajpore, and Bugwan, and part of the thana division of Bydabattee, on the western bank of the river Hooghly, was transferred from the zillah of Hooghly to the zillah of the 24-Pergunnahs in regard to all matters of police and the administration of criminal justice; and whereas by an order of the Governor-General in Council notified in the *Calcutta Gazette* on the 13th of July 1863, the river Hooghly was constituted the western boundary of the zillah of the 24-Pergunnahs and of the local jurisdiction of the sessions court of the said zillah; and whereas, without adverting to such last mentioned order, the Judge of the said court continued to exercise criminal jurisdiction in regard to the said thana divisions, and it is necessary

to give validity to acts and proceedings so done and held without jurisdiction: it is enacted as follows:—

Certain orders, decisions, and proceedings of the Sessions Judge of the 24-Pergunnahs, rendered valid

No order or decision passed, and no proceeding held prior to the passing of this Act, by the Judge of the Court of Session of the 24-Pergunnahs, nor any order that may have been or may hereafter be passed on appeal from such order, decision, or proceeding, shall be deemed to be invalid merely by reason of such order or decision having been passed, or such proceeding having been held, after the date of the said order of the Governor-General in Council, and being contrary to the provisions thereof.

Reg. No. 21422—100—29-11-76.

ACT No. II of 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 31st December 1864, *and of the Governor-General on the 6th January* 1865.)

An Act to repeal Act IX of 1862, *passed by the Lieutenant-Governor of Bengal in Council (an Act to amend the law relating to the appointment of Registers of Deeds, and to provide for the establishment of Deputy Register Offices).*

Preamble.

WHEREAS it is expedient to repeal Act IX of 1862 passed by the Lieutenant-Governor of Bengal in Council; It is enacted as follows:—

Act IX of 1862 repealed.

Act IX of 1862, passed by the Lieutenant-Governor of Bengal in Council *(an Act to amend the law relating to the appointment of Registers of Deeds, and to provide for the establishment of Deputy Register Offices)*, is hereby repealed from the date on which Act XVI of 1864, passed by the Governor-General of India in Council (*an Act to provide for the Registration of Assurances*) shall have come into operation within the provinces subject to the control of the Government of Bengal.

Reg. No. 11423—100—29-11-76.

ACT No. III OF 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 28th January 1865, *and of the Governor-General on the 1st February* 1865.*)*

An Act to make better provision for the prevention of injury from fire in Ports, and to provide for the safe keeping of Inflammable Oils in Ports and places, within the Provinces under the control of the Lieutenant-Governor of Bengal.

Preamble.

WHEREAS it is expedient that better provision should be made for the prevention of injury from fire in Ports in the Provinces under the control of the Lieutenant-Governor of Bengal; and it is also expedient to make provision for the safe storing and keeping of Inflammable Oils within the said Provinces; It is enacted as follows:—

Interpretation.

I. The following words for the purposes of this Act have the meanings hereby assigned to them, unless where a contrary intention appears from the context, that is to say:—

"The Conservator."

The words "The Conservator" denote the Master Attendant or other Officer executing the office of Conservator under Act XXII of 1855 *(for the regulation of ports and port-dues)* in any port to which this Act applies.

The word "Master" denotes any person, except a Pilot or Harbour Master, having temporary or permanent command or charge of any vessel.

"Master."

"Owner."

The word "Owner" includes any consignee of goods and agent to whom a vessel is consigned.

"Inflammable Oil."

The words "Inflammable Oil" include Petroleum, Benzole, Kerosine, and any Oil or product of Oil that gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer.

"Port."

The word "Port" denotes any port, navigable river or channel within the Provinces aforesaid subject to the provisions of Act XXII of 1855.

"Magistrate."

The word "Magistrate" includes any Officer exercising any of the powers of a Magistrate under the Code of Criminal Procedure, and any Magistrate of Police for the Town of Calcutta.

Number.

Words importing the singular number include the plural, and words importing the plural number include the singular.

Lieutenant-Governor may extend provisions of this Act to any Port or place.

II. The Lieutenant-Governor of Bengal may, by Notification in the *Calcutta Gazette*, extend the provisions of this Act to any Port or place within the Provinces under his control, and the provisions of this Act, so far as relates to Ports, when so extended, shall be deemed to be incorporated with Act XXII of 1855, so far as the said Act relates to the said Provinces and is not altered by this Act.

Conservator may require assistance from ships exceeding 500 tons burthen for the purpose of extinguishing fire.

III. For the purpose of preventing or extinguishing fire in any Port to which the provisions of this Act shall have been extended, it shall be lawful for the Conservator to require the Master of any ship of more than five

hundred tons burthen and not belonging to Her Majesty's Navy or to the Navy of any Foreign State, to place at his disposal such number as he shall require, not exceeding three-fourths, of the crew then under the orders of such Master.

Punishment on Masters and Seamen for neglect or refusal to comply with the orders of the Conservator under the last preceding section.

IV. Any such Master who shall refuse or neglect to comply with such requisition, shall be punished with a fine not exceeding five hundred Rupees; and any Seamen then under the orders of such Master, who shall, after being directed by the Master to obey the orders of the Conservator for the purpose aforesaid, refuse to obey such orders, shall be punished with a fine not exceeding twenty-five Rupees.

After the passing of this Act, not more than 40 gallons of Inflammable Oil to be kept without a license.

V. From and after the passing of this Act, it shall not be lawful, within the said Provinces, to place or keep more than forty gallons of Inflammable Oil within fifty yards of any dwelling-house or of any building in which goods are stored, unless such Oil shall be placed in a building approved and licensed for the purpose by an Officer authorized in that behalf by the Lieutenant-Governor of Bengal.

Inflammable Oil kept contrary to the provisions of this Act, may be seized under a search warrant.

VI. Any Inflammable Oil placed or kept in a manner contrary to the provisions of this Act, may, together with the receptacle containing such Oil, be seized by any Police Officer under a search warrant as hereinafter mentioned.

Inflammable Oil carried without a license in quantities exceeding 20 gallons, may be seized without a search warrant.

VII. The Officer authorized in the manner aforesaid to grant licenses, may grant to any person a license for the transit and carrying of Inflammable Oil from one place to another in greater quantities than twenty gallons. Whenever more than twenty gallons shall be carried by any person without a license, such Oil may, together with the receptacle containing such Oil, be seized by any Police Officer without a search warrant.

VIII. It shall be lawful for the Lieutenant-Governor of Bengal from time to time to make Rules for regulating the following matters :—

Lieutenant-Governor may make Rules.

1. The prevention of injury from fire in Ports and places at which vessels entering Port with Inflammable Oil on board are to be moored.

2. The mode in which such Oil shall be landed from such vessels.

3. The survey and approval by the Licensing Officer of buildings required to be licensed under this Act, and the terms and conditions under which licenses for buildings and licenses for removal of Oil are to be granted.

IX. Such Rules as aforesaid, shall be published in the *Calcutta Gazette*, and copies thereof shall be fixed up in some conspicuous place in the Office of every Conservator and in every Custom House. It shall be lawful for the said Lieutenant-Governor from time to time to repeal, add to, or alter any such Rules.

Publication of Rules. Repeal or alteration thereof.

X. If any Rule made and published as aforesaid, shall be infringed in the case of any vessel, the Owner or Master of such vessel shall be liable to a fine not exceeding two hundred Rupees for each day during which such Rules shall be so infringed.

Penalty for infringement of Rules in the case of any vessel.

XI. *Clause* 1. Whoever, after the passing of this Act, shall place or keep Inflammable Oil in an unlicensed building contrary to the provisions of this Act, shall be liable to a fine not exceeding two hundred Rupees a day for each day during which such Oil is so placed or kept.

Penalty for keeping Inflammable Oil in unlicensed building.

Clause 2. Whoever, after the passing of this Act, shall without a license in that behalf, carry a greater quantity than twenty gallons of Inflammable Oil from one place to another

Penalty for carrying, without a license, more than 20 gallons of Inflammable Oil.

shall, for such offence, be liable to a fine not exceeding fifty Rupees.

Penalty for breach of conditions of license.

Clause 3. Whoever shall be guilty of a breach of the terms or conditions of any license granted under this Act shall, for such offence, be liable to a fine not exceeding two hundred Rupees, and to forfeiture of his license; and all Inflammable Oil in the possession of such person may be seized by a Police Officer under a search warrant as hereinafter mentioned.

Search warrant.

XII. A Magistrate may, on information laid before him on oath or solemn affirmation and reduced into writing, issue his warrant, authorising a Police Officer to search, in the day-time, any building or place, vessel, boat, or vehicle, in which he has reasonable ground to suspect that any Inflammable Oil is placed, kept, or carried, or any person suspected of carrying the same contrary to the provisions of this Act; and all Inflammable Oil found on such search shall, together with the vessels or receptacles in which it may be stored or carried, be immediately seized and kept, pending the judgment of such Magistrate. Such warrant shall be executed and have effect within the Town of Calcutta under Act XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras and Bombay)*, and elsewhere under the Code of Criminal Procedure.

Upon seizure of Inflammable Oil, Magistrate having jurisdiction may summon owner, &c., and adjudicate thereon.

XIII. When any Inflammable Oil shall be seized under this Act, the Magistrate within whose jurisdiction the same may be seized, may, upon the information of any Police Officer, summon the owner of such Inflammable Oil, or the person in whose possession, or the Master of the Ship on board of which, it may be found, to appear before him, and upon such appearance, or in default thereof, may examine into the cause of the seizure thereof, and may adjudge the same to be confiscated.

XIV. The Rules contained in the Code of Criminal Procedure for the trial of cases before a Magistrate and for appeals against orders passed by a Magistrate, shall be applicable to adjudications under the last preceding section, except where the seizure is made within the Town of Calcutta.

Procedure in such cases.

XV. When the confiscation of any Inflammable Oil shall be adjudged under this Act, such Oil shall thereupon belong to, and vest in Her Majesty, and a warrant shall be issued by the adjudicating Magistrate to a Police Officer, directing him to hold such Oil at the disposal of the Government of Bengal.

Disposal of Inflammable Oil confiscated under this Act.

XVI. In any Port to which the provisions of this Act shall have been extended, if any person shall infringe any of such provisions, or any Rule made in pursuance of this Act, such infringement shall be punishable by a Magistrate having jurisdiction over any District or place adjoining such Port, and such Magistrate may proceed as if such infringement had been committed locally within the limits of his jurisdiction.

Jurisdiction over offences committed beyond the local limits of a Magistrate's jurisdiction.

XVII. All fines imposed under this Act may be recovered, if for offences committed beyond the Town of Calcutta in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within the Town of Calcutta in the manner prescribed by Act XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras and Bombay)*, and Act XLVIII of 1860 (*to amend Act XIII of* 1856), or any other Act for regulating the Police of the Town of Calcutta in force for the time being.

Recovery of fines.

XVIII. The provisions of this Act shall not extend to any building used by, or to any Inflammable Oils belonging to, Government.

Exemption.

[W II.—300—25-9-72.]

ACT No. IV OF 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 27th March 1865, and of the Governor-General on the 5th April 1865.)

An Act for the prohibition of the practice of Inoculation in the Town and Suburbs of Calcutta and in Towns to which Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council, has been or shall hereafter be extended.

Preamble.

WHEREAS it is found that Small Pox is spread by Inoculators who infect persons living in Towns without adopting any precaution against contagion; and whereas proper and sufficient arrangements have been made in the Town of Calcutta and in its Suburbs, and in certain other Towns in the Province of Bengal, for the Vaccination or Inoculation with the Cow Pox of the inhabitants thereof respectively; and it is desirable to prohibit by law the practice of Inoculation with the Small Pox in such Towns and places; It is enacted as follows:—

Penalty for inoculating or otherwise producing Small Pox.

I. Any person who shall hereafter produce, or attempt to produce, in any person, by Inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or who shall wilfully, by any other means whatsoever, produce the disease of Small Pox in any person, shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

PRICE 6 PIES.

Penalty for entering into any place subject to this Act, without a proper Certificate, before forty days from date of Inoculation.

II. If any person, having been inoculated with the Small Pox in a place to which the provisions of this Act shall not at the time be applicable, shall afterwards enter the Town of Calcutta, or any other Town or place to which such provisions shall then be applicable, before the lapse of forty days from the date of such Inoculation, or without a Certificate from a qualified Medical Officer stating that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

Act where to take effect.

III. This Act shall take effect in the Town of Calcutta and in the Station of Howrah and Suburbs of Calcutta, as the same are defined in the Schedule appended to Act XXI of 1857 *(to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah)*, from the date of the passing of this Act; and it shall be lawful for the Lieutenant-Governor of Bengal, at any time after such date, by Notification published in the Calcutta Gazette, to extend this Act to any Town or place to which Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council *(the District Municipal Improvement Act)*, shall then apply, or in which there shall then be any Military Cantonment, or in which it shall appear to the Lieutenant-Governor of Bengal that at the time of such Notification there exist proper and sufficient arrangements for the Inoculation of the inhabitants thereof with the Cow Pox.

Mode of Procedure.

IV. The provisions of the Code of Criminal Procedure relative to the meaning thereby assigned to the word "Magistrate," and to cases triable under Chapter XV of the said Code, and to the recovery of fines, shall apply to the case of any offence committed against this Act beyond the Town of Calcutta; and the provisions of Act XIII of 1856 *(for regulating the Police of the Towns*

of Calcutta, Madras, and Bombay), and of Act XLVIII of 1860 (*to amend Act XIII of* 1856), or any other Act for regulating the Police of the Town of Calcutta for the time being in force, shall apply to the case of any such offence committed within the said Town. Whenever the convicting Magistrate shall sentence the offender to fine, it shall be lawful for such Magistrate to award any portion, not exceeding one-half, of such fine to the person on whose information such offender has been convicted.

Bengal Secretariat Press.—D. E. J.—300.—8-11-74.

ACT No. V OF 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 5th April 1865, *and of the Governor-General on the* 10*th idem.)*

An Act to amend Act II of 1864 *passed by the Lieutenant-Governor of Bengal in Council (an Act for the regulation of Jails and the enforcement of discipline therein), and to extend the provisions thereof to the Presidency Jail.*

Preamble.

WHEREAS it is expedient to amend certain provisions of Act II of 1864 passed by the Lieutenant-Governor of Bengal in Council; and whereas by Act XII of 1865 of the Governor-General of India in Council the custody of persons confined in the Great Jail of Calcutta is vested in an Officer to be appointed by the Government of Bengal; It is enacted as follows:—

Act IV of 1862 repealed.

I. Act IV of 1862, passed by the Lieutenant-Governor of Bengal in Council, is hereby repealed, save as regards any act done thereunder.

Sections V, XV, and XIX, of Act II of 1864 repealed.

II. Sections V, XV, and XIX of the said Act II of 1864 are hereby repealed, and the following Sections shall be read with and taken as part of the said Act II of 1864.

Civil and Criminal Jails to be under whose control.

III. The Civil and Criminal Jail in every District shall, unless the Government shall invest some other Officer with the control thereof, be under the control of the Magistrate of the District, or of any Magistrate to whom the Magistrate of the

District may make over the control thereof; and the Jails ... any Division of a District shall be under the control of t... Magistrate who shall be in charge of such Division, acti... under the instructions of the Magistrate of the District.

IV. It shall be lawful for the Officer in whom the contro... of a Jail shall be vested, to inquire into all breaches of the Rules that may be made under this Act, and to punish prisoners guilty of any breach thereof, or of violent or refractory conduct, or of using insolent language, or of refusing or wilfully neglecting to perform the work, or of wilfully mismanaging the work allotted to them, or of wilfully disabling themselves for labor. Such punishment may consist of separate confinement, of corporal punishment not exceeding thirty stripes of a rattan, or of confinement in irons for a period not exceeding one month in the case of a first offence, and for a period not exceeding six months in the case of a second offence of the same description. Provided that corporal punishment or confinement in irons shall not be inflicted on any female prisoner or on any person imprisoned in a Civil Jail, and that confinement in irons may be inflicted on hardened offenders for any period not exceeding one year.

Punishment for breaches of Rules and of Jail discipline.

V. In any case in which the Officer in whom the control of the Jail shall be vested, shall consider it necessary for the safe custody of any prisoner who shall have been sentenced to rigorous imprisonment, that such prisoner should be confined in irons, it shall be lawful such Officer so to confine the said prisoner. Provided that, in every case in which any prisoner shall be confined in irons solely under the provisions of this Section, it shall be the duty of the Officer in whom the control of the Jails shall be vested, to report the circumstances under which such prisoner shall have been so confined, without delay, to the Officer who shall have been appointed by the

Prisoners sentenced to rigorous imprisonment may be confined in irons for the purpose of safe custody.

Proviso.

Lieutenant-Governor of Bengal under Section VIII of the said Act II of 1864.

Prisoners convicted of escaping or attempting to escape from custody may be confined in irons for a period not exceeding one year for the first offence, and for the whole remaining term of imprisonment for the second and subsequent offences.

VI. If any prisoner, whether he shall have been sentenced to rigorous or only to simple imprisonment, shall be convicted, under Section 224 of the India Penal Code, of having attempted to escape from such imprisonment, it shall be lawful for the Officer in whom the control of the Jail shall be vested, in carrying into execution the remainder of such sentence or imprisonment, or any portion of the punishment to which such prisoner may be sentenced for such attempt, to confine the said prisoner in irons for a period not exceeding one year in the case of a first offence, and for the whole term of imprisonment to which the said prisoner shall have been sentenced, in the case of a second or any subsequent offence.

Lieutenant-Governor may make Rules, &c., for the Presidency Jail.

VII. From and after the passing of this Act, the power of making Rules and of appointing Visitors, Medical Officers, Jailors, and Inspectors, which by Sections VII, VIII, IX, XI, XII, XV, and XVI of the said Act II of 1864, are vested in the Government of Bengal, may be exercised by such Government with respect to the Presidency Jail, and all persons confined and to be confined therein; and the said Government shall have the power of transferring prisoners from any Jail within the Provinces under its control to any other Jail within the same limits, provided that such transfer shall, on the report of the person or persons appointed under Section VIII of Act II of 1864, appear necessary.

Powers of the Superintendent of the Presidency Jail.

VII. From and after the passing of this Act, all and singular the powers and authorities, which by the said Act II of 1864 and by this Act, are conferred on the Officer in whom the control of a Jail shall be vested, shall and may, as respects per-

sons confined or to be confined in the said Presidency Jail, be exercised by the Superintendent of the Presidency Jail. The provisions of Section XVII of the said Act II of 1864 are hereby extended to the said Presidency Jail.

Bengal Secretariat Press.—D. E. J.—300.—3-11-74.

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ACT No. VI. OF 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the* 11*th April* 1865, *and of the Governor-General on the* 15*th April* 1865).

An Act to provide for the regulation and enforcement of Contracts for labor at places to which, by virtue of such Contracts, the Laborer is to be conveyed at the expense of the Employer.

Preamble.

WHEREAS it is expedient to provide for the due protection of native Laborers who have been or shall hereafter be conveyed at the expense of their Employers, under the provisions of Act III of 1863, passed by the Lieutenant-Governor of Bengal in Council (*an Act to regulate the transport of Native Laborers to the Districts of Assam, Cachar, and Sylhet*), or of any other law, to Districts other than the Districts to which they belong; and for the due enforcement of the contracts entered into by such Laborers with the persons whom they shall have engaged to serve for hire; It is enacted as follows:—

Interpretation. "Laborer."

I. Throughout this Act the word "Laborer" means a Laborer who has heretofore entered or shall hereafter, under the provisions of the said Act III. of 1863 or of any other law, enter into a contract by which he has been or shall be conveyed to the place of labor at the expense of the Employer contracting.

"Protector."

The term "protector" includes any Officer appointed by the Lieutenant-Governor of Bengal to perform all or any of the duties of a Protector under this Act.

Number and Gender

Words used in the masculine gender include the feminine, and the singular number includes the plural.

Recruiter, bringing Laborer to engage in a District to which he does not belong, may be fined.

II. If, upon any examination made in accordance with Section XI. of the said Act III. of 1863, or any other law, it shall appear that any Laborer, belonging to any District in the provinces under the control of the Lieutenant-Governor of Bengal, brought before the Magistrate by a Recruiter, or otherwise, does not belong to the District in which the examination has been conducted, and has not resided there a reasonable time for purposes of his own, or come there of his own accord to seek for employment, but has been brought thither from another District in the said Provinces with the view of prevailing upon him to enter into an engagement there, it shall be lawful for the Magistrate to fine the Recruiter such sum as, in the judgment of the Magistrate, may be sufficient to enable the Laborer to return to the District to which he belongs, and to apply such fine to the reconveyance of such Laborer to such District.

Previous Section not to apply to Recruitors bringing Laborers from a District not within Bengal.

III. The provisions of the preceding Section shall not apply to any Laborer who shall come from any Province or District, not under the control of the Lieutenant-Governor of Bengal, for the purpose of entering into an engagement in a District under such control. Any Laborer recruited in any such Province or District as last aforesaid, shall be taken by the Recruiter, for the purpose of registry under Section II. of the said Act, before a Magistrate of that District, subject to the control of the Lieutenant-Governor of Bengal, into which such Laborer shall first come after his engagement.

Minimum rate of wages and maximum amount of compulsory labor.

IV. Each Laborer shall, under all circumstances, except as hereinafter specially provided and notwithstanding any thing to the contrary contained in his contract, be entitled to wages at the minimum rate following, namely, five Rupees a month if a male over twelve years of age; four Rupees a month if a female over that age; and three Rupees a month if under that age; or at the rate specified

in the contract if more than such minimum rate; and shall not be bound to serve under his contract for a longer period than three years from either the time at which such contract shall be entered into, or, in the case of contracts which have been entered into before the passing of this Act, from the date on which the Act may come into operation; nor to work on any Sunday, or for more than six hours consecutively on each of the other six days in any week; nor for more than nine hours in each day. It shall be the duty of the Superintendent before whom any future contract is executed by the Laborer, before he attests the same, to explain fully to the Laborer the minimum rate of wages to which he is entitled, and what is the rate fixed in his contract, and under what circumstances alone the Laborer's title to wages can be forfeited or suspended as hereinafter mentioned, and what is the period of time for which he is bound to serve.

On transfer of an estate, the contract shall be valid against, and enure to the benefit of, the new owner.

V. If, during the currency of any contract as aforesaid, the estate on which the Laborer shall have engaged to work shall be sold or transferred by the party contracting with such Laborer, to some other person, or if some other person shall become proprietor thereof by reason of the death of such party, the contract shall by such event become null and void as regards the party originally contracting, and shall be valid to all intents in law as between the new proprietor and the Laborer, and shall enure in the same manner as if such new proprietor had been named in the contract as the party contracting; and so in the case of any subsequent transmission of interest by sale, transfer, or death.

Contract may be transferred by mutual consent.

VI. Every such contract as aforesaid may, by mutual agreement of the parties thereto, be transferred by the Protector of Laborers to any other Laborer or Employer; but in such case the Protector shall endorse such transfer on the contract, and shall also register it in his own Office.

Hospital, Medicines, and Medical Officer.

VII. On every estate on which any Laborers shall be employed, there shall be provided sufficient Hospital accommodation for one in

every ten of the Laborers so employed thereon, as well as medicines of such quality and descriptions, and according to such scale, as shall from time to time be fixed by the Lieutenant-Governor of Bengal: and if on any estate there shall be employed three hundred or more Laborers, it shall be the duty of the proprietor of such estate to place in medical charge thereof at least one Medical Officer holding a medical diploma from some Indian or European Collegiate Institution authorized to grant diplomas, or at least one Officer for the time being licensed by the local Government to act in such medical charge.

Penalty for breach of last Section.

VIII. If, on any estate in which Laborers are employed, it shall at any time, be found that there is not such Hospital accommodation as aforesaid, or that there is not provided for the use of such Laborers medicine of such quality and descriptions and according to such scale as aforesaid, the chief person in charge of such estate shall be liable to a fine not exceeding five hundred Rupees. And if there shall be three hundred or more Laborers employed on such estate, and it shall be found that there is no such Medical Officer as aforesaid, such chief person as aforesaid shall be liable to a fine not exceeding five hundred Rupees. The continued omission to observe the provisions of the last preceding Section shall be finable under this Section as a distinct offence, and so on until the omission is duly supplied.

Appointment and powers of Protectors.

IX. It shall be lawful for the Lieutenant-Governor of Bengal to appoint, in any District to which the said Act III of 1863, or this Act, has been or may be in force, so many Protectors of Laborers as he may think proper, and to define, by Notification in the *Calcutta Gazette*, the local limits within which each such Protector shall exercise the powers and authorities conferred, and perform the duties imposed on him by this Act. Such Protector may be vested with all or any of the Powers of a Magistrate.

Appointment and powers of Inspectors.

X. It shall be lawful for the Lieutenant-Governor of Bengal to appoint, under any such Protector as aforesaid, so many Inspectors of Laborers

as may be considered necessary to assist the Protector in the performance of his duties, and to assign to such Protector and Inspectors such establishment as may be thought fit; and such Inspectors shall perform all the duties and exercise all the powers, other than Magisterial powers, of such Protector, which they shall be authorised in writing by such Protector to perform or exercise.

Return of Laborers to be sent in half-yearly by Employer, &c., to Protector.

XI. Every Employer of Laborers, or the chief person in charge under him of the estate on which such Laborers are employed, shall, on or before the fourteenth day of January and the fourteenth day of July in each and every year, make out in writing, and deliver to the Protector of Laborers within the local limits of whose authority such estate may be situate, a Return of the number of such Laborers as aforesaid who shall have been employed on the estate on the last day of the preceding month, and such Return shall be in such form as may from time to time be prescribed by the Lieutenant-Governor of Bengal by an order to be published in the *Calcutta Gazette*.

Penalty for refusing or omitting to send in Return or sending in incorrect Return.

XII. If any such Employer or other person as aforesaid shall refuse, or wilfully omit, duly to send in any such Return as aforesaid, or shall knowingly send in an incorrect Return, such Employer or other person shall, on conviction thereof before the Magistrate of the District, be liable to a fine not exceeding five hundred Rupees; and a Certificate under the hand of the Protector to whom such Return ought to have been sent, stating that such Return has not been sent or is incorrect as aforesaid, shall be received as sufficient *primâ facie* evidence of the truth of the facts stated in such Certificate.

Yearly rate to be fixed for each estate.

XIII. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, by order published aforesaid, to fix a yearly sum, not exceeding one Rupee per Laborer, as a rate for the purpose of providing for the salaries and emoluments of the Protectors and Inspectors, and the sum or rate so fixed shall be payable half-yearly in respect of each estate for each Laborer employed therein according to the last Return.

Employer, &c., to send in the rate due according to Return.

XIV. Every such Employer or chief person as aforesaid shall, within two months from the said fourteenth day of January and fourteenth day of July aforesaid respectively, send in to the Collector of the District such sum of money as shall appear, according to the last Return as aforesaid, to be payable under the last preceding Section on account of the Laborers mentioned therein.

Employer, &c., failing to send in the rate in due time, how to be dealt with.

XV. If any such Employer or chief person as aforesaid shall fail to comply with the provisions of the last preceding Section, it shall be the duty of the Collector to notify such default to him; and if within one month from the receipt of such notification, or such other period as may, under special circumstances, appear to the Collector reasonable, such Employer or chief person as aforesaid shall not so comply, the Collector shall levy the sum payable by distress and sale of any moveable property (other than that of a Laborer) which may be found on the estate, or (if there shall be no such moveable or insufficient moveable property found) by sale of a sufficient portion of the estate itself. Such sale shall be conducted according to the provisions of the law for the time being in force for the realization of arrears of Government revenue.

Books to be kept, and Periodical visits and Reports made, by Protector.

XVI. Every Protector of Laborers shall, once within such periods as may be fixed for such purpose by the Lieutenant-Governor of Bengal, visit each estate, within the limits of his authority, on which there shall be employed any Laborers, and inspect every hospital, tent, camp, or building in any way used by any such laborer, and investigate the condition of all the Laborers employed on such estate; and for such purpose he may require that all the Laborers employed on such estate shall be mustered before him with their several contracts, and may make such enquiries as may to him seem proper. Every such Protector shall keep books in which, from time to time, shall be entered the number of Laborers then under contract to each Employer, the number who shall then be sick or missing, or who

shall have complained of ill-treatment, the particulars of such complaints, and such other particulars regarding the Laborers as the Lieutenant-Governor of Bengal shall from time to time direct. Each Protector shall periodically make a written Report to the Lieutenant-Governor of Bengal, through the Commissioner of the Division, of the aforesaid particulars; and any such Report, as regards any particular estate, shall be open to the inspection of the proprietor or chief person in charge of such estate, or any person by him appointed in writing in that behalf, and the person so inspecting shall be entitled to take a copy of the Report so far as it relates to such estate.

Magistrate, Protector, &c., may inspect any estate at any time.

XVII. It shall be lawful for the Magistrate of the District, the protector of Laborers, or his duly authorized Inspectors, or any other Officer duly authorized by the Lieutenant-Governor of Bengal, at any time, to enter and inspect any estate, or any hospital, camp, tent, or building wholly or partially used by or for Laborers, and to require that any Laborer shall be brought before him, and to make any enquiries which he may think proper touching the condition or treatment of such Laborer, or of any other Laborer employed on such estate.

Penalty on person obstructing inspection, &c.

XVIII. If any Employer, or other person acting for or under such Employer, shall in any way obstruct or impede any entry, inspection, or enquiry made under either of the two preceding Sections, such Employer or other person as aforesaid shall be liable to a fine not exceeding five hundred Rupees for each such offence.

Protector may suspend contract of any Laborer temporarily unfitted for labor.

XIX. It shall be lawful for the Protector of Laborers, within the local limits of whose authority any Laborer may be employed, to suspend, for such period as he shall consider advisable, the contract, or any particular term thereof, if such Laborer shall be in the judgment of such Protector, temporarily unfitted for such performance by reason of sickness, pregnancy or other sufficient cause. Provided that every such suspension shall be endorsed by the Protector on the contract. Provided, also, that every such Laborer shall, during such

incapacity, receive, in lieu of full wages, such a portion thereof as shall be considered sufficient by the Protector, and that the time during which the suspension continues shall be reckoned as part of the whole term for which the Laborer is bound to serve.

Penalty for unlawfully compelling any Laborer to work.

XX. If on any estate it shall be found that any Laborer whose contract has been suspended as aforesaid, has been compelled to perform any species of labor for which he was at the time unfit, or if any Laborer shall have been compelled to perform work which, under the provisions of Section IV of this Act, he was not bound to perform, the chief person in charge of such estate shall be liable to a fine not exceeding two hundred and fifty Rupees.

Protector to give Certificate to Laborer permanently unfitted for labor.

XXI. If, in the opinion of the Protector of Laborers, any Laborer shall be permanently unfitted for the performance of his contract or any material part thereof, the Protector shall certify to that effect in writing, and deliver such Certificate to the Employer of such or some one on his behalf, and from the date of such Certificate the contract of such Laborer, except as regards any liability previously incurred thereunder shall wholly cease and determine. The Protector shall make a Return of all such cases of determination of contract in his Report under Section XVI. of this Act. Every Laborer, whose contract shall have been determined as aforesaid, shall be entitled to be re-conveyed, at the expense of his Employer, to the District in which he was recruited, or, if he prefer it, to receive from his Employer three months' wages at the minimum rate fixed in Section IV of this Act, and such sum shall be recoverable before a Magistrate in the manner hereinafter provided.

Laborer who has completed his contract, to be permitted to have such completion registered.

XXII. Every Laborer who shall have completed the term of his contract, shall be forthwith permitted by his Employer, or by the chief person in charge of the estate on which he has been employed under such contract, to appear before the Protector, to have the completion of his contract registered. If such Employer or chief person shall

detain such Laborer after the completion of his contract, or shall fail to give notice of such completion to the Protector, within one month after the date of such completion, such Employer or chief person shall be liable to a fine not exceeding two hundred and fifty Rupees.

Release from contract how to be purchased.

XXIII. If any Laborer shall be able and desirous to pay to his Employer the sum of one hundred and twenty Rupees, or, if the term of his engagement has less than two years to run, a sum equivalent to the minimum rate of wages of such Laborer for the unexpired term of his engagement, such Laborer may demand to be taken or allowed to go before the Protector within the local limits of whose authority his Employer's estate is situate, and, on his depositing such sum in the hands of such Protector, such Protector shall call for the contract of such Laborer and endorse thereon a Certificate of Release by purchase, and shall hold the sum in deposit on account of the Employer of such Laborer. If any Employer, or other person authorized to act for the Employer, shall neglect to comply with such demand, such Employer, or other person as aforesaid, shall be liable to a fine not exceeding two hundred and fifty Rupees.

A Certificate to be given to Laborer whose contract has determined or been completed, or who has purchased release therefrom.

XXIV. Every Laborer whose contract shall have been completed or determined or released by purchase as aforesaid, shall be entitled to receive forthwith from the Protector a Certificate of Release in such form as may from time to time be prescribed by the Lieutenant-Governor of Bengal by an order to be published in the *Calcutta Gazette*.

A Laborer who has completed his contract or been released therefrom, may enter into a fresh contract.

XXV. Every Laborer, the completion of whose contract or whose release therefrom shall have been registered, shall be entitled to enter into a fresh contract before the District Magistrate, in the manner prescribed in Section XIX. of the said Act III. of 1863 for Contracts entered into before the Superintendent of Labour Transport; and in case of his entering into such fresh contract

all the provisions of this Act and of the said Act III. of 1863 shall apply thereto.

If Laborer desire to complain. Employer to give notice to Protector.

XXVI. If any Laborer shall state to his Employer, or to any person acting for such Employer, that he desires to make a complaint to the Protector of Laborers of personal ill-usage or breach of any provision of this Act on the part of such Employer or other person, the person to whom such statement shall have been made shall, within forty-eight hours, send notice thereof in writing to the Protector, and in default of so doing such person shall be liable to a fine not exceeding five hundred Rupees.

Protector how to proceed on receipt of notice of complaint.

XXVII. Whenever any Protector of Laborers shall receive such notice in writing as aforesaid, or whenever any complaint of personal ill-usage or breach of any provision of this Act as aforesaid shall be made to him by any Laborer against his Employer, or any person acting for such Employer, or whenever the Protector shall have other reasonable grounds for believing that any such personal ill-usage or breach of any provision of this Act as aforesaid has been suffered by a Laborer, such Protector shall forthwith, if the estate on which such offence has been committed is not situate within the limits of his own authority, give notice thereof in writing to the Protector within the limits of whose authority such estate is situated: and if such estate be situated within the limits of his own authority, then such Protector shall forthwith make full enquiry into the matter complained of.

Protector may summon the complainant and his witnesses Penalty for obstructing service of, or obedience to, summons.

XXVIII. For the purposes of such enquiry, it shall be lawful for any Protector, if he think fit, to summon such Laborer as aforesaid, as well as any witnesses whose attendance may be necessary; and if any Employer, or other person authorised to act for the Employer, shall in any way obstruct the service of, or obedience to, such summons such Employer or other person as aforesaid shall be liable to a fine not exceeding two hundred and fifty Rupees.

Protector how to proceed if the complaint be untrue or frivolous.

XXIX. If, upon such enquiry made on the complaint of a Laborer the Protector shall be of opinion that the complaint is untrue or frivolous, he shall enter in his book the particulars of such complaint, and a short statement of the grounds of his opinion respecting it, and shall dismiss the complaint, and in such case shall endorse on the contract of such complainant the number of days spent in such inquiry, and such number of days shall be added to the period for which such complainant had contracted to serve.

Protector how to proceed if the complaint be well-founded.

XXX. If, upon such enquiry as aforesaid, the Protector shall be of opinion that the complaint is well-founded, but not within his own cognizance under the powers conferred upon him under Section IX. of this Act, he shall without delay send the complainant and his witnesses to the nearest Magistrate, and such Magistrate shall thereupon deal with the case in due course of law.

Compensation to be given if wages for more than two months are due.

XXXI. If, upon the complaint of any Laborer, it shall be proved to the satisfaction of the Magistrate that the wages of such Laborer have not been paid to him for a period of more than two months after they have become due, it shall be lawful for such Magistrate to award to such Laborer the amount which shall appear to be then due to him; and also, by way of compensation, such further sum, not exceeding that amount, as shall appear to the Magistrate to be just; and, in case of default, the Collector shall, upon the requisition of the Magistrate, levy the entire sum in the manner prescribed in Section XV of this Act.

Contract to be cancelled if Employer be convicted by the Court of Session, or be twice convicted by a Magistrate, of an offence against the Laborer, or if wages be not paid for more than six months, or if Laborer have been grossly ill-used.

XXXII. If the Employer of any Laborer, or any person placed in authority over such Laborer, by such Employer, shall be convicted of any offence against such Laborer, triable under the Criminal Procedure Code, by the Court of Session; or if any such Employer, or other person as aforesaid, shall be twice convicted of any offence against such Laborer, triable under the

said Code, by a Magistrate or if it shall be proved before a Magistrate that the wages of such Laborer have not been paid for a period of more than six months after they shall have become due; or if the Magistrate of the District shall, on the report of the Protector, and after due enquiry be satisfied that any Laborer has been compelled to perform any labor while he was unfit for it, or has been subjected to gross ill-usage by such Employer or any other person placed in authority over the Laborer by such Employer, it shall be lawful for the Protector, on the application of the Laborer, in each of such cases, to cancel the contract of such Laborer, and to award to him such compensation for such cancelment, not exceeding thirty Rupees, as he shall think fit, and every such cancelment shall be certified on the back of such contract and such Laborer shall then be at liberty either to enter into a fresh contract with any other Employer, or to return to the District from which he was recruited.

Penalty on Laborer for absenting himself without sufficient cause.

XXXIII. Any Laborer who shall absent himself from his labor without sufficient cause may be taken before the nearest Magistrate, and shall, on conviction, be sentenced to lose all claim to wages or allowances during the period of such absence, and also to forfeit to his Employer a sum not exceeding four annas for each day during which such absence shall have continued; and in case such absence shall have exceeded seven days, or in case such Laborer shall have been already convicted of the same offence within a period of three months, such Laborer shall be furthermore sentenced to rigorous imprisonment for fourteen days.

Penalty for wilful negligence or indolence.

XXXIV. Any Laborer who, without absenting himself from his labor, shall be wilfully negligent or indolent in the performance thereof, may be convicted as aforesaid, and shall, on such conviction, be sentenced to lose all claim to wages or allowances for the period of such wilful negligence or indolence; and upon a second conviction within six months for a similar offence, shall be sentenced to rigorous imprisonment for fourteen days.

XXXV. If any Laborer shall desert or attempt to desert from his Employer's service, such Employer or any other person acting in his behalf may, without first procuring a warrant and without the assistance of any Police Officer (who, nevertheless, shall be bound to give such assistance if called upon to do so) apprehend such Laborer wherever he may be found. Provided, nevertheless, that if the said Laborer be found in the service of another Employer, or beyond the limits of the District in which his Employer's estate is situated or in which he deserted, he shall not be arrested without a warrant. Provided, also, that if the Employer or other person as aforesaid shall use unnecessary violence in effecting such apprehension, or if he shall not, within forty-eight hours from the time of such apprehension, make over the said Laborer to the hands of some Police Officer, with a statement in writing of the apprehender's name and residence, and of the charge on which the Laborer has been apprehended, or shall not otherwise within such period cause him to be conveyed to the nearest Magistrate, the person so apprehending shall be liable to a fine not exceeding five hundred Rupees.

Laborer deserting may be apprehended without a warrant.

Proviso.

Further proviso.

XXXVI. If any Laborer apprehended, whether with or without a warrant, shall be made over to a Police Officer, it shall be the duty of such Officer to convey him without delay to the nearest Magistrate; and if the estate or place from which such Laborer is charged with having deserted be within the jurisdiction of such Magistrate, he shall adjudicate the charge himself; but if not, he shall forward the said Laborer, under custody, to the Magistrate within whose jurisdiction such estate or place is situated, who shall adjudicate upon it.

Laborer when made over to the Police, to be taken before the nearest Magistrate.

XXXVII. If it be proved to the satisfaction of the Magistrate that such Laborer has deserted from his Employer's service he shall be convicted and sentenced to rigorous imprisonment for a period not exceeding three months. If it be proved that the Laborer has been apprehended wrongfully, the person apprehending him, or on whose charge, or by whose order he shall have

Penalties for desertion and wrongful apprehension.

been apprehended, shall be sentenced to pay a fine not exceeding five hundred Rupees, any portion of which may be awarded to such Laborer.

Provisions regarding desertion and unlawful absence to apply to desertion in transit.

XXXVIII. All the provisions of this Act, regarding the desertion or unlawfully absence of Laborers, shall be held applicable to Laborers who shall desert while in transit to the District in which they have contracted to labor for hire; and such Laborers may be tried either in the District in which they may be apprehended, or in the District in which under their contracts they are bound to labor for hire, notwithstanding that the offence may have been committed in a third District.

Penalty for enticing away, harbouring, or employing Laborers under contract to another person.

XXXIX. Any person who shall knowingly and wilfully entice away, harbour, or employ any Laborer who shall have entered into such contract as aforesaid with another person, before such Laborer shall have been lawfully released from such contract, shall be liable to a penalty not exceeding five hundred Rupees.

Portion of sentence may be cancelled if Employer apply for return of Laborer.

XL. It shall be lawful for the Employer, or any person authorised to act for the Employer, of any Laborer imprisoned for any offence under this Act, to apply to the Magistrate, at any time previous to the expiry of such sentence, that such Laborer be made over to him for the purpose of completing his contract, and the Magistrate shall, in such case, make over such Laborer, and shall cancel the remainder of the sentence passed on him, and shall endorse such cancelment, under his own signature, on the contract of such Laborer.

Conviction not to operate as a release, but on expiry of sentence Laborer to be made over to Employer.

XLI. On the expiry of any sentence of imprisonment for any offence under this Act, it shall be the duty of the Magistrate to make over such Laborer to any person appointed on the part of his Employer to receive charge of him; and no conviction under this Act, or imprisonment under such conviction, shall be held to operate as a release to any Laborer from the terms of his contract. Provided,

nevertheless, that the period of imprisonment shall in no case be prolonged by reason of no person being present on the part of the Employer to take charge of the Laborer at the expiry of his sentence, but the prisoner shall, in that case, be sent to the Employer's estate, and the expense of such conveyance shall be levied from the Employer in the manner provided for the realisation of fines under this Act.

Sentences to be endorsed on contract. Periods of imprisonment and unlawful absence to be added to term of service.

XLII. Every sentence of fine imposed for unlawful absence from labor, and every sentence of imprisonment for any offence under this Act, shall be endorsed on the contract, at the time of its being passed, by the Officer passing it, and no such period of imprisonment or unlawful absence, so endorsed, shall be reckoned as part of the term for which the Laborer is bound to serve: but such term shall extend to such further period as shall be equivalent to the aggregate amount of the imprisonments and unlawful absences so endorsed.

Imprisonment in default of payment of fine.

XLIII. In every case in which a fine is imposed under this Act, or under the said Act III. of 1863, it shall be competent to the Court imposing such fine to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, and such term of imprisonment shall be regulated in accordance with the provisions of Sections 67, 68, and 69 of the Indian Penal Code.

If the Protector believe any estate or part thereof to be unfit for habitation, a Committee shall be summoned.

XLIV. If a Protector of Laborers shall at any time have reason to believe that any estate or portion of an estate, situated within the limits of his jurisdiction, is by reason of climate or situation unfit for human habitation, such Protector shall give notice in writing of his opinion to the Magistrate of the District and such Magistrate shall forthwith summon a Committee to enquire into the fitness of such estate or portion thereof for human habitation. Such Committee shall consist of the Magistrate, the Protector of Laborers, the Medical

Officer of the District, and at least one Employer of Laborers resident in the District. Such Committee shall proceed, with as little delay as possible, to enquire into the healthiness of the estate or portion thereof to which the Protector's Report has reference, and shall hear such evidence on the subject as the owner of such estate or portion of the estate as aforesaid or the Employer or Protector may desire to place before it; and, if such Committee shall be of opinion that such estate or portion thereof is unfit for human habitation, it shall record a finding to that effect; and the contract of every Laborer who shall have contracted to serve on such estate shall thereupon be null and void as regards such estate or such portion thereof. Provided, however, that every such contract shall continue valid with regard to any other portion of such estate, or to any other estate of the same Employer.

Construction of Act.

XLV. This Act shall be read with and taken as part of the said Act III. of 1863.

P. J. P.—M. O. F. 1194—300—21-6-78.

ACT No. VII OF 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 11th April 1865, and of the Governor-General on the 15th April 1865.)

An Act to make provision for the better regulation and supervision of Public Slaughter-Houses in the Suburbs of Calcutta, and for the adoption of proper Conservancy arrangements connected therewith.

Preamble.

WHEREAS it is necessa to makery provision for the better regulation and supervision of Public Slaughter-Houses and Markets for the sale of meat and fish in the Suburbs of Calcutta and for the adoption of proper Conservancy arrengements connected therewith; It is enacted as follows:—

No place within the Suburbs to be used as a Slaughter-House without a license.

I. No place within the jurisdiction of the Municipal Commissioners of the Suburbs of the Town of Calcutta appointed under the provisions of Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council, *(The District Municipal Improvement Act)*, shall be used as a Slaughter-House, unless a license in writing for the use thereof as a Slaughter-House has been obtained from the Municipal Commissioners, who are hereby empowered, at their discretion, from time to time, to grant such license; and whoever, without

Price—6 Pies.

such license, uses as a Slaughter-House any place within the limits aforesaid, shall be liable to a penalty not exceeding two hundred Rupees, and to a penalty not exceeding fifty Rupees, for every day, after the conviction for such offence, during which the said offence is continued. Provided that nothing in this Act shall apply to any Hindoo or Mahomedan place of worship.

Municipal Commissioners may provide places for Slaughter-Houses, and may make Bye-laws for the management and regulation thereof.

II. The Municipal Commissioners may, from time to time, if they shall think fit, with the sanction of the Government of Bengal, provide places for the purpose of being used as Slaughter-Houses, and they may make Bye-laws for, and with respect to, the management, regulation, and charges for the use of such places.

Licensed Slaughter-Houses to be properly drained.

III. Every owner or occupier of any licensed Slaughter-House, within the limits aforesaid, shall cause such drains to be made therein as shall be considered sufficient by the Municipal Commissioners, and (if required so to do by the Municipal Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such Slaughter-House, or any place used as a meat Market, in a clean and wholesome state; and if such owner or occupier, after notice in writing given to him by the Municipal Commissioners that such Market or Slaughter-House is defective in any of the said particulars and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a penalty not exceeding fifty Rupees, for every day during which such default is continued.

Commissioners may make Bye-laws for the inspection of Markets and Slaughter-Houses.

IV. The Municipal Commissioners may, in the manner prescribed and under the conditions laid down in Section LXXXIV of the said Act III of 1864, make Bye-laws for the inspection of all Markets for the sale of meat or fish.

within the limits aforesaid, and for the management and conduct of the business therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once in every twenty-four hours.

Commissioners may enter and inspect Slaughter-Houses, shops, &c., and may seize unwholesome articles exposed for sale.

V. The Municipal Commissioners, or any person appointed by them for that purpose, may, at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place used for the sale of butcher's meat, poultry, or fish, or as a Slaughter-House, and may examine any animal, carcase, or meat which may be therein; and in case any animal, carcase, meat or fish, appear to be intended for the food of man and to be unfit for such food, may seize the same; and if it appear to a Magistrate, upon the evidence of a competent person, that such animal, carcase, meat or fish, is unfit for the food of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food; and the owner thereof, or the person in whose possession the same is found, shall be liable to a penalty not exceeding one hundred Rupees.

Suspension or revocation of license.

VI. The Magistrate before whom any person is convicted of an offence contrary to the provisions of this Act, relating to Slaughter-Houses, or of the non-observance of any of the Bye-laws relating thereto, may, in addition to the penalty imposed on such person under the authority of this Act, suspend such license for any period not exceeding two months, and upon conviction for a second or other subsequent like offence, such license may, in addition to the penalty imposed under the authority of this Act, be revoked.

Penalty for using Slaughter-Houses during suspension or revocation of license.

VII. Whoever, during the period for which any such license is suspended, or after the same is revoked as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the

Slaughter-House to which such license relates, shall be liable to a penalty not exceeding one hundred Rupees, for every day, after the conviction for such offence, during which the said offence is continued.

Certain provisions of Act III of 1864 rendered applicable.

VIII. The provisions of the said Act III of 1864, in regard to prosecutions for offences and the enforcement of fines and forfeitures, shall be applicable to all prosecutions for offences and the recovery of fines and forfeitures under this Act; and the Magisterial powers conferred upon the Municipal Commissioners by Section VI of the above Act shall be exercised by them for all the purposes of this Act.

The provisions of this Act may be extended to places under Act III of 1864.

IX. It shall be lawful for the Lieutenant-Governor of Bengal to extend, by Notification in the *Calcutta Gazette*, the provisions of this Act, or of any specific portion thereof, to any Towns or places in which the said Act III of 1864 may be in force.

[W. H.—800—4-10-72.]

ACT No. VIII of 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 10th May 1865, and of the Governor-General on the 27th idem.*)

An Act to amend the Law for the sale of such Under-tenures as by the Title Deeds or established usage of the Country are transferable by sale or otherwise for the recovery of arrears of rent due in respect thereof.

Preamble.

WHEREAS doubts have arisen, in consequence of the repeal of Section XVI of Regulation VII of 1832, as to the authority by whom putnee talooks and other saleable under-tenures of the nature defined in Clause 1 of Section VIII of Regulation VIII of 1819 are to be sold for arrears of rent due to the proprietor on account thereof; and whereas it is expedient to amend the law for the sale of under-tenures in satisfaction of decrees for the recovery of such arrears; It is enacted as follows:—

Meaning of the word "Collector."

I. The word "Collector" as used in this Act includes all Officers exercising the full powers of a Collector of a District.

Words used in the singular number include the plural.

Laws repealed.

II. Section XVI of Regulation VIII of 1819 of the Bengal Code, Act VIII of 1835, and Section X of Act VI of 1853, are repealed, except in so far as any other Regulation or law is repealed thereby.

Sale by whom to be conducted.

III. The sale for the recovery of arrears of rent of putnee talooks and other saleable under-tenures of the nature defined in Clause 1 of Section VIII of Regulation VIII of 1819 shall be conducted by the Collector of Land Revenue in whose jurisdiction, as defined by Act VI of 1853, the lands lie, and all acts preparatory to, or

connected with, the sale of such under-tenures as aforesaid, which, by Regulations VIII of 1819 and I of 1820, the Judge is required to perform, shall be performed by the said Collector.

Notice of sale where to be hung up.

IV. Whenever a decree for an arrear of rent, due in respect of an under-tenure saleable under the provisions of Section CV of Act X of 1859, shall have been obtained, and an application for the sale of the said under-tenure under the same Section shall have been made and allowed, the Collector, in whose Court the decree is in course of execution, shall thereupon cause to be hung up in his own Court and in that of the Collector and the Judge of the District within which the land comprised in the under-tenure to be sold is situated, and to be affixed on some conspicuous place on the land and in the town or village in or nearest to which the said land is situated, a notice for the sale of the said under-tenure on some fixed date not less than twenty days from the hanging up of the said notice in the Court in which the decree is in course of execution.

Notice of sale what to contain.

V. The said notice shall specify, in the words used in the plaint in the suit in which the decree was made, the name of the village, estate, and pergunnah, or other local division, in which the land comprised in the said under-tenure is situated, the yearly rent payable under the said under-tenure, and the gross amount recoverable under the said decree.

How the sale may be stopped.

VI. If the sum due under the decree, together with interest to date of payment and all costs of process, be paid into Court at any time before the sale commences, whether by the defaulting holder of the under-tenure or any one on his behalf, or any one interested in the protection of the under-tenure, such sale shall not take place; and the provisions of Section XIII of Regulation VIII of 1819, for the recovery of sums paid by other than the defaulting holder of the under-tenure to stay the sale of the under-tenure, shall be applicable to all similar payments made under this Section.

Sale to be to the highest bidder.

VII. The under-tenure shall be sold to the highest bidder in open Court.

VIII. The party who shall be declared to be the purchaser shall be required to deposit immediately, in Cash or Government Currency Notes, twenty-five per cent. of the amount of his bid; and, in default of such deposit, the under-tenure shall be put up again and sold forthwith, or on the next ensuing Office day.

Purchaser to deposit 25 per cent.

IX. The full amount of the purchase-money shall be made good by the purchaser before sunset of the eighth day from that on which the sale of the under-tenure took place, reckoning that day as one of the eight; or, if the eighth day be a Sunday or other close holiday, then on the first Office day after the eighth day: and, in default of payment within the prescribed period as aforesaid, the deposit shall be forfeited to the Government, and the under-tenure shall be re-sold, and the defaulting purchaser shall forfeit all claims thereto or to any part of the sum for which the said under-tenure may be subsequently sold. If the proceeds of the sale which may be eventually completed be less than the price bid by the defaulting purchaser, the difference shall be leviable from him under the law for enforcing the payment of money in satisfaction of a decree for arrears of rent.

Deposit to be forfeited if balance of purchase-money be not paid up in time.

X. The provisions of all the Sections of this Act with regard to sales shall also be applicable to all re-sales, under this Act, which may be rendered necessary by the default of any purchaser.

Provisions as to sales to apply to all re-sales.

XI. When the purchase-money shall have been paid in full, the Officer holding the sale shall give the purchaser a Certificate in the form prescribed in the Schedule annexed to this Act; and shall further, on the purchaser making application and depositing the requisite costs, depute an officer or ameen to put him in possession of the under-tenure in the customary manner, and to publish the fact of the purchase to the cultivators of the lands comprised therein.

Certificate and possession to be given to purchaser on payment by him in full.

XII. From the proceeds of the sale of the under-tenure, the officer holding such sale shall repay to the judgment-creditor the necessary expenses

Proceeds of sale how to be dealt with.

incurred by him in procuring it; and, after satisfying the decree in execution of which the sale was made, shall hold the residue, if any, in deposit on account of the defaulting holder of the under-tenure.

Appeal.

XIII. An appeal shall lie to the Collector from any proceedings of a Deputy or Assistant Collector, if made within fifteen days; and to the Commissioner from any original proceedings of a Collector, under this Act, if made within thirty days from the date of the sale: but no proceedings under this Act shall be reversed or modified in appeal, except upon the ground of irrelevancy of the law, or of such an irregularity in procedure as, in the opinion of the appellate authority, has caused injury to the interests of one of the parties to the suit in which the decree was passed.

Power of revision.

XIV. No appeal as of right shall lie from any order passed in appeal under this Act; but a Commissioner, in any case in which an appeal has been heard by a Collector, and the Board of Revenue, in any case in which an appeal has been heard by the Commissioner, may call for the record at any time within three months from the date of the order passed in appeal, and pass thereon such orders as they may think proper.

Purchaser to recover purchase-money in such manner as ppellaate or revising authority may direct, if sale be set aside.

XV. If any sale of an under-tenure shall, under either of the two preceding Sections, be set aside, the purchaser shall be entitled to receive back the purchase-money with or without interest, and in such manner as the appellate or revising authority may in each instance direct. Any order for the recovery of the purchase-money or interest, passed by such appellate or revising authority as aforesaid, may be enforced by the process in force under decrees for the recovery of arrears of rent.

Purchaser to acquire the under tenure, with certain exceptions, free of incumbrances.

XVI. The purchaser of an under-tenure sold under this Act shall acquire it free from all incumbrances which may have accrued thereon by any act of any holder of the said under-tenure, his representatives, or assignees, unless the right of making such incumbrances shall have been expressly vested in the holder by

the written engagement under which the under-tenure was created, or by the subsequent written authority of the person who created it, his representatives, or assignees. Provided that nothing herein contained shall be held to entitle the purchaser to eject Khoodkast ryots or resident and hereditary cultivators, nor to cancel *bonâ fide* engagements made with such class of ryots or cultivators aforesaid by the late incumbent of the under-tenure or his representatives, except it be proved, in a regular suit, to be brought by such purchaser for the adjustment of his rent, that a higher rent would have been demandable at the time such engagements were contracted by his predecessor. Nothing in this Section shall be held to apply to the purchase of a tenure by the previous holder thereof, through whose default the tenure was brought to sale.

Zemindar how to proceed if purchaser do not register.

XVII. The purchaser of an under-tenure sold under this Act shall apply to the Zemindar or other landholder, within fifteen days from the day of sale, to have his name registered in the Zemindar or other landholder's books as the purchaser; and shall execute a kabooliyat on the same terms and conditions on which the under-tenure was held by the defaulter; and, if such application be not made within fifteen days, it shall be lawful for the Zemindar or other landholder to sue the said purchaser under the provisions of Clause 1 of Section XXIII of Act X of 1859.

Indemnity.

XVIII. The provisions of Section III shall be applicable to all sales held under Regulation VIII of 1819 previously to the passing of this Act; and no suit shall lie in respect of such sales on the plea of want of jurisdiction of the Officer by whom they were conducted.

Schedule referred to in Section XI.

I certify that *A B* has purchased, under Act VIII of 1865, the under-tenure (*as specified in the notice of sale*), and that his purchase took effect on the day of *being the day after that fixed for the last day of payment*).

(Signed) C. D.,
Collector.

ACT No. IX of 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor and of the Governor-General on the 16th December 1865.)

An Act to amend Act VI of 1863 *passed by the Lieutenant-Governor of Bengal in Council (An Act to vest the property of the Town of Calcutta and the management of its Municipal affairs in a Corporation, and to make better provision for the Conservancy and Improvement of the Town and for the levying of rates and taxes therein.)*

Preamble.

WHEREAS it is expedient to amend Act VI of 1863 passed by the Lieutenant-Governor of Bengal in Council; It is enacted as follows :—

Chairman of the Justices not to be deemed incapable of being a Member of the Lieutenant-Governor's Council.

1. Nothing in the said Act shall be deemed to prevent the Chairman of the Justices of the Peace for the Town of Calcutta from being a Member of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

Act to be read with Act VI of 1863.

II. This Act shall be read with and taken as part of the said Act VI of 1863.

ACT No. II OF 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 1st March 1866, and of the Governor-General on the 14th idem.)

An Act to provide for the better regulation of the Police within the Suburbs of the Town of Calcutta.

Preamble.

WHEREAS it is expedient to exclude the Suburbs of the Town of Calcutta from the general Police District of Bengal, and to make provision for the better regulation of the Police within the limits so excluded; it is enacted as follows:—

The Suburbs may be excluded from the general Police District.

I. It shall be lawful for the Lieutenant-Governor of Bengal to exclude the Suburbs of the Town of Calcutta or any portion thereof, from the general Police District of the Provinces subject to his control, and the limits of the tract of country so excluded shall be defined in a Notification to be published in the Calcutta Gazette, and the operation of this Act shall be confined to such limits. Provided that it shall be lawful for the said Lieutenant-Governor from time to time to alter such limits by such Notification as aforesaid.

A Police Force to be constituted for the Suburbs.

II. For the Suburbs of the Town of Calcutta so defined as aforesaid there shall be a Police Force, which shall consist of such number of Officers and men, and shall be otherwise constituted in such manner, as shall be from time to time ordered by the Lieutenant-Governor of Bengal.

The Police Force to be under the control of the Commissioner of Police for Calcutta.

III. The Police Force of the Suburbs of the Town of Calcutta shall be under the exclusive direction and control of the Commissioner of Police for the Town of Calcutta, who may from time

to time, subject to the approbation of the said Lieutenant-Governor, frame such orders and regulations as he shall deem expedient, relative to the general government of the Force, the places of residence, the classification, rank, distribution, and particular service of the several members thereof, their inspection, and the description of arms, accoutrements, and other necessaries to be furnished to them; and all such other orders and regulations relative to the said Police Force as the said Commissioner shall, from time to time, deem expedient for preventing neglect or abuse, and for rendering such Force efficient in the discharge of all its duties.

Appointment, &c., of the Force to rest with the Commissioner.

IV. The appointment of the members of the Police Force shall rest with the Commissioner of Police, and he may, at any time, suspend or dismiss any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

Commissioner may fine for lesser breaches of discipline.

V. For any lesser breach of discipline or other misconduct not requiring the suspension or dismissal of the offender, a member of the Police Force may be fined by the Commissioner any sum not exceeding one-half of his monthly pay.

Additional penalties for neglect of duty, &c.

VI. For neglect or violation of duty in his office, and for any breach of the orders and regulations framed as aforesaid, every member of the Police Force, besides being suspended or dismissed from his employment, at the discretion of the Commissioner, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred Rupees (which may be deducted from any salary then due to such offender), or to imprisonment, simple or rigorous, for any term not exceeding three months.

Police Officers not to resign without notice.

VII. No member of the Police Force to be enrolled under this Act, shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Commissioner, or unless he shall have given to the Commissioner six

months' notice of his intention if a member of the Mounted Branch of the said Force, and two months' notice if a member of any other branch; and every member of the said Force who shall so resign or withdraw himself without such leave or notice, shall be liable, on the order of the Commissioner, to forfeit all arrears of pay then due to him; and, on the sentence of a Magistrate, to pay a fine not exceeding fifty Rupees or to undergo imprisonment of either description for any term not exceeding two months.

On enrolment, Police Officer to receive a Certificate.

VIII. Every member of the Police Force shall receive on his enrolment a Certificate in the form hereunto annexed, under the signature of the Commissioner of Police, by virtue of which he shall be vested with the powers, functions, and privileges of a Police Officer. Such Certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Force.

Penalty for dismissed members not delivering up clothing, &c.

IX. Every member of the Police Force who shall be dismissed from or shall cease to hold and exercise his office, and who shall not forthwith deliver up his Certificate, and all the clothing accoutrements, and appointments, and other necessaries which may have been supplied to him for the execution of his duty, to the Commissioner, or to such person and at such time and place as shall be directed by the said Commissioner, shall be liable, on conviction before a Magistrate, to imprisonment of either description for any term not exceeding one month. And it shall be lawful for the Commissioner, or for any Magistrate, to issue his warrant to search for and seize all the clothing, accoutrements, appointments, and other necessaries which shall not be so delivered over, wherever the same may be found.

Superannuation Fund.

X. There shall be deducted from the pay of every member of the Police Force, of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum after such rate as the said Lieutenant-

Governor shall direct, not exceeding one anna in the Rupee; which sum so deducted shall, from time to time, be invested in such manner, and in such securities, as the said Lieutenant-Governor may in writing direct, and the said sum so invested, together with the interest and dividends thereof, shall form a Fund, to be called "The Police Superannuation Fund," and shall be applied from time to time to payment of such superannuation or retiring allowances or gratuities as may be ordered by the said Lieutenant-Governor at any time to any of the aforesaid members of the Police Force. Provided that any Police Officer may be dismissed or removed without a superannuation allowance, and that no Police Officer shall be entitled as of right to any allowance from the said Fund, or shall retain any right to a refund of any deduction made from his pay while he shall have been a Police Officer.

Proviso.

XI. The moneys accruing from stoppages from members of the Police Force during absence from sickness or other cause, and from fines imposed on members thereof for misconduct, and from fines imposed by Magistrates upon drunken persons, or for assaults upon Police Officers, and all moneys from the sale of worn or cast off clothing or other articles supplied for the use of the Police, shall be applied in aid of any fund applicable to Police purposes.

Disposal of the proceeds of certain fines, &c

XII. The Commissioner of Police may of his own authority, appoint Special Police Officers to assist on any temporary emergency.

Appointment of Special Police Officers.

XIII. Every Special Police Officer so appointed shall have the same powers, privileges, and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary Officers of Police.

Powers of Special Police Officers.

XIV. If any person, being appointed a Special Police Officer as aforesaid, shall, without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may

Penalty for Special Police Officer neglecting or refusing to serve, &c

be given to him for the performance of his du... liable, upon conviction before a Magistrate, to a fine no... fifty Rupees for every such neglect, refusal, or disobedience

Appointment of additional Police Officers on the application of private individuals.

XV. The Commissioner of Police may also, if he shall t... fit, on the application of any person sho... ing the necessity of it, appoint any addi... tional number of Police Officers to keep the peace at any place within the limits of the operation of this Act, at the charge of the person applying, but subject to the orders of the said Commissioner, and for such time as he shall think fit; and every such Police Officer shall receive a Certificate, by virtue of which he shall be vested with all the powers, privileges, and duties of the Police Officers belonging to the ordinary Force. Provided that the person upon whose application such appointment shall have been made, may, upon giving one month's notice in writing to the Commissioner of Police, require that the Police Officers so appointed at his expense shall be discontinued, and thereupon the said Commissioner shall discontinue such additional Police Officers; and all moneys received by the Commissioner for the payment of any such additional Police Officers shall be accounted for by him.

Apprehension and punishment of reputed thieves, &c.

XVI. A Police Officer may arrest without a warrant any person found, between sun-set and sun-rise, armed with any dangerous or offensive instrument whatsoever, with intent to commit any offence against the person or property of another; any reputed thief found, between sun-set and sun-rise, on board any vessel or boat, or lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, who shall not give a satisfactory account of himself; any person found, between sun-set and sun-rise, having his face covered or otherwise disguised, with intent to commit any such offences as aforesaid; any person found between sun-set and sun-rise, in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; and any person having in his possession,

cuse (the proof of which excuse shall be on such
y implement of house-breaking; and such person shall
to imprisonment, with or without hard labor, for a term
ceeding three months.

Brothels.

VII. On proof to the satisfaction of the Commissioner of Police, or of a Magistrate, that a house is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, such Commissioner or Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it, and if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five Rupees for every day thereafter that the house shall be so used.

Penalty for keeping a hotel, &c., without a license.

XVIII. Whoever has or keeps any hotel, tavern, punch-house, ale-house, arrack or toddy shop, or place for the sale or consumption of gunja, chundoo, or other preparation of opium, hemp, or other intoxicating drug, plant, or substance, or has or keeps any coffee-house, boarding-house, eating-house, lodging-house, or other place of public resort and entertainment, wherein provisions, liquors, or refreshments are sold or consumed (whether the same be kept or retailed therein or procured elsewhere) without a license to be obtained in the manner hereinafter mentioned, shall be liable to a fine not exceeding fifty Rupees for every day that the said house or place of entertainment is kept open, or the sale of provisions, liquors, or refreshments is continued, without the necessary license. Provided that nothing in this Act shall apply to the sale, in reasonable quantities, of any drug, plant or substance in any chemist's or druggist's shop for medicinal purposes only.

Excise license not to be granted without Certificate of Commissioner of Police.

XIX. No license shall be granted under the provisions of Act XXI of 1856 *(to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal)*, unless

the person applying for such license shall produce a Certificate from the Commissioner of Police, stating that a license may be granted to him for the sale of spirituous liqours or intoxicating drugs, as the case may be, without risk or detriment to the preservation of peace and good order, and containing a full statement of such conditions as may have been imposed and shall have remained in force, under the provisions hereinafter contained, at the date when such license shall be granted. No license so granted shall be renewable without a fresh Certificate as aforesaid, previously obtained from the Commissioner of Police, subject to the order and control of the said Lieutenant-Governor.

Duration and conditions of license.

XX. It shall be competent to the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor, to limit, in such Certificate as aforesaid, the period for which the license may be granted, and also to fix such conditions as he may deem necessary for securing the good behaviour of the keepers of the houses and places of entertainment as aforesaid, and for the prevention of drunkenness and disorder among the persons frequenting the same, and from time to time to vary such conditions, subject to such direction and control as aforesaid; and no license granted under the said Act XXI of 1856 shall be valid unless it shall contain such conditions as shall have been imposed and shall remain in force for the time being under this Section.

Penalty for keeping up a sign-board or notice after expiry of license.

XXI. Whenever any license granted as aforesaid shall have ceased to have effect, it shall be lawful for the Commissioner of Police to order the person to whom such license shall have been granted, to remove or cause to be removed any sign-board or other notice which such person might have been theretofore boun under the terms of his said license, to keep affixed on or near house or place of public resort or entertainment for which license had been granted; and any person who shall fail any such order forthwith, shall be liable, on conviction, ten Rupees for every day thereafter during which he

XXII. The Commissioner of Police may, at his discre[illegible]n, from time to time, grant licenses to the keepers of such houses or places of public resort and entertainment as aforesaid for which no such license as is specified in the said Act XXI of 1856 is required, upon such conditions, to be inserted in every such license, as he, with the sanction of the said Lieutenant-Governor, from time to time shall order, for securing the good behaviour of the keepers of the said houses or places of public resort or entertainment and the prevention of drunkenness and disorder among the persons frequenting or using the same; and the said licenses may be granted by the said Commissioner for any term not exceeding one year.

Commissioner of Police may grant licenses for places for which no licenses are required under Act XXI of 1856.

XXIII. Any person committing a breach of any of the conditions of a license granted either under Section XIX or Section XXII of this Act shall, on conviction before a Magistrate, be punishable by a fine not exceeding one hundred Rupees, and such fine shall be recovered from the person licensed, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop or place of sale. Any person so convicted shall also be liable to the forfeiture of his license, at the discretion of the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor.

Penalty for a breach of any condition of a license.

XXIV. For every certificate or license granted by the Commissioner of Police under this Act, there shall be levied a fee of two Rupees.

Fee for Certificate.

XXV. Whoever, being the owner or occupier, or having the use, of any house, room, or place, shall keep or use the same as a common gaming-house; and whoever, being the owner or occupier [illegible]y house or room, shall knowingly and wilfully permit the [illegible] be kept or used by any other person as a common gaming-[illegible]nd whoever shall have the care or management of, or in [illegible] assist, in conducting the business of any house, room

Penalty for owning or [illegible]eeping, or having charge [illegible] a common gaming-[illegible]use, &c.

or place so kept or used; and whoever shall advance or furnish money for the purpose of gaming with persons frequenting such house, room, or place, shall be liable to a fine not exceeding two hundred Rupees, or to imprisonment of either description for any term not exceeding three months.

Penalty for being found playing in a common gaming-house.

XXVI. Whoever shall be found in any such house, room, or place, playing or gaming with cards, dice, counters, money, or other instruments of gaming, or shall be found there present for the purpose of gaming whether playing for any money, wager, stake, or otherwise, shall be liable to a fine not exceeding one hundred Rupees, or to imprisonment of either description for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Commissioner or Magistrate may authorize certain Police Officers to enter any common gaming-house for the purpose of search and seizure.

XXVII. If the Commissioner of Police or Magistrate, upon information on oath, and after such inquiry as he may think necessary, shall have reason to believe that any house, room or place is used as a common gaming-house, he may, by his warrant, give authority to any superior Officer of Police to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place; and to take into custody all persons whom he finds therein, whether or not then actually gaming; and to seize all instruments of gaming, and all moneys, and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein; and to search all parts of the house, room or place which he shall have so entered, when he shall have reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he so takes into custody; and to seize and take possession of all instruments of gaming found upon such search.

XXVIII. When under the provisions of the last preceding Section any cards, dice, gaming-table, or cloth, board, or other instruments of gaming shall be found in any house, room, or place, or about the person of any of those who are found therein, it shall be evidence until the contrary shall be made to appear that such house, room or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Police Officer or any of his assistants.

Evidence of house being common gaming-house.

XXIX. On conviction of any person for keeping any such common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Magistrate, who may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all moneys seized therein, to be forfeited; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

On conviction for keeping a common gaming-house, instruments of gaming to be destroyed, &c.

Proof of playing for stakes unnecessary.

XXX. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, shall make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under

Witnesses indemnified.

this Act for anything done before that time in respect of such gaming.

Portion of fine may be paid to informer.

XXXI. The Magistrate may direct any portion, not exceeding one-fourth, of any fine which shall be levied under Sections XXV and XXVI of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under Section XXIX, to be paid to an informer.

Gambling in the streets.

XXXII. A Police Officer may apprehend without warrant any person found gaming with cards, dice, counters, money, or other instruments of gaming, in any public street, place, or thoroughfare; and such person shall be liable to a fine not exceeding twenty Rupees, or to imprisonment of either description for any term not exceeding one month; and such instruments of gaming and money shall be forfeited.

Pawn-brokers and money-changers to report stolen property under a penalty for neglect.

XXXIII. If any property answering the description set forth in any information which shall be given by any Police Officer to any pawn-broker, or dealer in second-hand property or money-changer, regarding property stolen or fraudulently obtained, shall then be, or thereafter come into the possession of, or be offered in pawn, or for sale, or change, to such pawn-broker, dealer, or money-changer, he shall, without unnecessary delay, give information to that effect at the nearest Police Office, and shall also state the name and address given by the party by whom the same was offered, or from whom the same was received; provided always that, in the case of wearing apparel or other articles which it may be difficult for such pawn-broker or dealer to trace out and identify, no fine shall be exigible in respect of not reporting such articles, unless it shall appear to the Magistrate that such articles had been knowingly concealed by such pawn-broker or dealer.

Manufacture or possession of Gun-powder.

XXXIV. Whoever shall manufacture Gunpowder or, without a license from the Commissioner of Police, shall have in his possession, in any house, shop, warehouse, or other building, at any one time, a

greater quantity of Gunpowder than ten pounds, shall be liable to a fine not exceeding five hundred Rupees, and also to forfeit such Gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be contained.

Licenses by Commissioner of Police for sale and deposit of Gunpowder, &c.

XXXV. The Commissioner of Police may grant to any person a license for the sale or keeping in deposit of any quantity of Gunpowder not exceeding fifty pounds, on such conditions, and for such term, not exceeding one year, as shall be specified in the license; and any person who shall be guilty of a breach of any of such conditions, shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred Rupees, and to forfeit all Gunpowder so kept in deposit contrary thereto, and the vessels containing it, and also, in the discretion of the Magistrate or of the Commissioner, to forfeit his license.

Licenses for conveying and removing Gunpowder.

XXXVI. The Commissioner of Police may grant to any person a license for the transit and carrying of Gunpowder from one place to another, in such manner and in such quantity as he may deem advisable: and any person, not being duly licensed in that behalf, who shall carry or convey a greater quantity of Gunpowder than one pound from one place to another, shall be liable to a fine not exceeding fifty Rupees.

Commissioner of Police may issue warrant to search for Gunpowder, &c.

XXXVII. The Commissioner of Police, on credible information laid before him on oath, may issue his warrant authorizing a Police Officer to search in the day-time any house, shop, magazine, or other building or place in which he shall have reasonable ground to suspect that any Gunpowder is manufactured, sold, or kept, or any boat, carriage, cart, or other vehicle, in which any Gunpowder may be suspected to be carried, or any person suspected of carrying the same contrary to the provisions of this Act; and all Gunpowder found on such search shall, together with the vessels or receptacles in which it may be stored, be immediately seized and kept, pending the judgment of a Magistrate.

XXXVIII. None of the four last preceding Sections shall extend to any Government magazine, or store, or building for the making or deposit of Gunpowder under the authority or for the use of the Government, or to any Gunpowder belonging to Government.

Act not to apply to Government Gunpowder, &c.

XXXIX. The Commissioner of Police, from time to time, as occasion may require, may, subject to the orders of the said Lieutenant-Governor, make rules for the conduct of all assemblies and processions in the public roads, streets, thoroughfares within the limits aforesaid, prescribing the routes by which, and the times at which, such processions may pass, and for keeping order in the public roads, streets, thoroughfares, ghauts, and landing places, and all other places of public resort, and preventing obstructions thereof, on the occasion of such assemblies and processions, and in the neighbourhood of places of worship during the time of public worship; and in any case when the roads, streets, thoroughfares, ghauts, or landing places, may be thronged, or may be liable to be obstructed; and may give licenses for the use of music in the streets on the occasion of native festivals and ceremonies. Every person opposing or not obeying the orders so issued by the Commissioner of Police, or violating the conditions of such license, shall be liable to a fine not exceeding one hundred Rupees.

Commissioner may make rules for the conduct of assemblies and processions.

XL. Whoever, within such limits as shall be from time to time defined by the Commissioner of Police, with the sanction of the said Lieutenant-Governor, in any public street, road, thoroughfare, or place of public resort, shall commit any of the following offences, shall be liable to a fine not exceeding fifty Rupees:—

Penalty for the following offences in public streets, &c.

1. Whoever shall drive, ride, or lead any elephant or camel without permission from the Commissioner of Police.

Driving, &c., elephant or camel.

2. Whoever shall drive any vehicle of any description, at any time between three quarters of an hour after sun-set, and one hour before sun-rise without a sufficient light, except when, in the opinion of the Magistrate, there may be sufficient moonlight to render such light unnecessary.

Driving a vehicle without a sufficient light.

3. Whoever, without reasonable cause, shall drive a carriage, cart, or other vehicle otherwise than on the left or near side of the road.

Driving vehicle otherwise than on left side of the road.

4. Whoever shall expose for show, hire, or sale, any horse or other animal, or any carriage; or shall clean or dress any horse or other animal; or shall clean any carriage or other conveyance; or shall make or repair any part of any cart or carriage, except in cases of accident where repair on the spot is necessary; or shall train or break any horse except in such place and at such times as may be allowed by the Commissioner.

Exposing for show horses, or cleaning or repairing conveyances, or training horses in places not allowed by the Commissioner.

5. Whoever, by negligence or ill-usage in driving cattle, shall cause any mischief to be done by such cattle: or shall anywise misbehave himself in the driving, management, or care of such cattle, so as to cause mischief or obstruction.

Negligence in driving cattle.

6. Whoever, being in charge of a cart, carriage, or horse, shall leave it at such a distance as not to have the same under due control.

Leaving cart, &c., without control.

7. Whoever shall cause any cart or truck, with or without horses or cattle, to remain or stand longer than may be necessary for loading or unloading, except at places lawfully appointed for the purpose; or shall leave any cart, carriage, or truck, or fasten any horse or other animal, so as to cause any obstruction in any thoroughfare.

Obstructing road or thoroughfare by carriage, &c.

Whoever shall lead or ride any horse or other animal, or draw or drive any cart, carriage, or truck upon any foot-way, or shall fasten any horse or animal so that it can stand across or upon any foot-way.

Obstructing foot-ways

9. Whoever shall beat a drum or tom-tom, or blow a horn or trumpet, or beat or sound any brass or other metal instrument or utensil, except at such times and places as shall be from time to time allowed by the Commissioner of Police.

Beating drums, tom-toms, &c.

10. Whoever shall set fire to or burn any straw or other matter, or light any bonfire, or wantonly discharge any fire-arm or air-gun, or let off or throw any fire-work, or send up any fire-balloon, except at such times and places as shall from time to time be allowed by the Commissioner of Police.

Lighting fires and discharging guns, fireworks, &c

11. Whoever, by driving a hackery or cart with insufficiently greased wheels, shall create a noise which is reasonably calculated to cause annoyance to persons frequenting or residing near the thoroughfare in which such hackery or cart is driven.

Driving a cart with insufficiently greased wheels.

12. Whoever, without the consent of the Commissioner of Police, shall put up any post or other thing on the side of any public street, for the purpose of affixing thereon lamps to illuminate the street.

Illuminations

13. Whoever, without the consent of the owner or occupier, shall affix any bill or notice, or any paper, against or upon any building, wall, or fence, or shall write upon, deface, or mark any such building, wall, or fence with chalk, or paint, or in any way whatsoever.

Affixing bills or otherwise defacing houses, &c.

14. Whoever shall bathe or wash himself in any public street, or in, upon, or by the side of any public tank, reservoir, or aqueduct, not being a place set apart for such purpose.

Bathing, &c., in public street or aqueduct.

15. Whoever shall obstruct or incommode a person ba
at any place set apart as a bathing pl
Obstructing persons at bathing places.
by wilful intrusion, or by using such ce
as a landing-place, or by anchoring or otherwise fastening or keeping boats, or by washing horses, cattle, or dogs, at or near such place, or in any other way.

16. Whoever shall cruelly beat, ill-treat, abuse, or torture, or
shall cause or procure to be cruelly beaten,
Cruelty to Animals.
ill-treated, abused, or tortured any animal.

17. Whoever, in any public road, street, thoroughfare, or place,
shall beg or apply for alms, or shall expose
Beggars.
or exhibit any sores, wounds, bodily ailment, or deformity, with the object of exciting charity, or of obtaining alms; or shall seek for or obtain alms by means of any false statement or pretences.

18. Whoever wilfully and indecently exposes his perso
Exposing person, &c.
or commits a nuisance by easing himself.

XLI. Whoever is found drunk and incapable of taking care
of himself, in any street or thoroughfare,
Penalty for drunkenness in public.
or in any place of public amusement or resort, shall be liable to a fine not exceeding ten Rupees, or to imprisonment of either description for a term not exceeding twenty-four hours.

XLII. It shall be lawful for the Commissioner of Police, by
order in writing to be affixed at the prin-
Stray dogs.
cipal Police Stations, and also to be published in some public newspaper, to appoint, from time to time, certain periods within which any dogs found straying in the streets, or beyond the enclosures of the houses of the owners of such dogs, may be destroyed.

XLIII. Any Police Officer may arrest without a warrant any
person committing in his view any offence
Police Officer may arrest without warrant on view of offence.
against this Act, if the name and address of such person be unknown to such Police Officer, and cannot be ascertained by him.

Arrest of person committing offence with respect to person or property of another.

XLIV. Whoever commits an offence on or with respect to the person or property of another, or, in committing an offence under this Act, injures or damages the person or property of another, may, if his name and address be unknown, be apprehended by the person injured, or by any person who may be using the property to which the injury may be done, or by the servant of either of such persons or by any person authorized by or acting in aid of him, and may be detained until he give his name and address, and satisfy such person that the name and address so given are correct, or until he can be delivered into the custody of a Police Officer.

Persons taken into custody by a Police Officer without warrant, may be detained in Police Office until brought before a Magistrate or bailed.

XLV. Every person taken into custody without a warrant by a Police Officer under this Act, shall be taken to the nearest Police Station House in order that such person may be detained until he can be brought before the Magistrate, or until he shall enter into recognizances, with or without sureties, for his appearance before the Magistrate. Any person so detained and not entering into recognizances, with or without such sureties, shall be carried before the Magistrate within twenty-four hours from the time of his being taken into custody.

Power to take recognisance at the Station House.

XLVI. Whenever any person shall be brought to a Station House charged with any offence against this Act, it shall be lawful for the Officer in charge of such Station House, or any superior Officer of Police, if he shall deem it prudent to enlarge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

Condition of recognizance.

XLVII. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Magistrate at his next sitting, and all the persons execut-

ing the said recognizance shall acknowledge themselves jointly and severally bound in the sum—not exceeding one thousand Rupees—thereby acknowledged, and the time and place of appearance shall be specified in the said recognizance, or in the condition thereof; and the Officer taking the recognizance shall enter in a book, to be kept for the purpose, the name, residence, and occupation of the party, and his surety or sureties (if any), entering into such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Magistrate present at the time and place when and where the party is bound to appear.

Recovery and appropriation of fines.

XLVIII. All fines imposed under the authority of this Act shall be recoverable in the manner prescribed by Section 61 of the Code of Criminal Procedure, and the amount so levied shall be appropriated to any fund applicable to Police purposes. Provided that it shall be lawful for the Magistrate, when it shall appear to him that the fine cannot be realized by recourse to the provisions above mentioned, to sentence the offender to imprisonment in lieu of any fine to which such offender is liable under this Act, and the term of such imprisonment shall be fixed in accordance with the scale laid down in Section 67 of the Indian Penal Code.

Imprisonment in lieu of fine.

Powers of Joint and other Magistrates.

XLIX. Any Joint Magistrate, or other Officer duly authorized to exercise the powers of a Magistrate, and any Assistant vested with the powers of a Subordinate Magistrate of the First Class, in cases referred to him by the Magistrate, may exercise all the powers vested in a Magistrate by this Act.

And of the Deputy Commissioner.

L. The Deputy Commissioner of Police for the Town of Calcutta may, under the orders of the Commissioner, exercise all or any of the powers vested in the latter by the provisions of this Act.

LI. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say) :—

Interpretation.

"Property." The word "property" shall include any chattel, money, or valuable security.

"Person." The word "person" shall include a corporation.

"Month." The word "month" shall mean calendar month.

"Oath." The word "oath" shall include any affirmation or declaration lawfully substituted for an oath.

"Common gaming-house." The words "common gaming-house" shall be taken to mean any house, room, or place in which cards, dice, tables, or other instruments of gaming are kept or used for the profit or gain of the person owning or keeping such house, room, or place, whether by way of charge or the use of the instruments of gaming, or of the house, room, or place, or otherwise howsoever.

"Cattle." The word "cattle" shall, besides horned cattle, include horses, asses, mules, sheep, goats, and swine.

Number. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include females.

LII. Act XXI of 1857 *(to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah)* is hereby repealed, so far as it applies to such portion of the Suburbs of the Town of Calcutta as shall for the time being be subject to the operation of this Act.

Act XXI of 1857 repealed, so far as regards the Suburbs of Calcutta.

FORM OF CERTIFICATE.—(*Referred to in Section VIII.*)

A. B. has been appointed a (Superintendent, Inspector, Jemadar, Darogah, or Peon, *as the case may be*) in the Suburban Police Force, and is vested with the powers, functions, and privileges of a Police Officer.

Bengal Secrt. Press—D. E. J.—300—15-1-72.

BENGAL SECRETARIAT LIBRARY

ACT No. III OF 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the* 13*th March* 1866, *and of the Governor-General on the* 23*rd idem.*)

An Act to provide for the Attendance and Examination of Witnesses before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

Preamble.

WHEREAS it is expedient to make provision for the attendance of witnesses before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations and for the examination of such witnesses; It is enacted as follows:—

Lieutenant-Governor may, by summons, require any person to appear before this Council.

I. It shall be lawful for the Lieutenant-Governor of Bengal, by a summons under the hand of the Secretary or Assistant-Secretary to the Government of Bengal in the Legislative Department for the time being, to require the attendance before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, at a time and place to be mentioned in such summons, of any person, residing within any of the provinces or places subject to the Government of the Lieutenant-Governor of Bengal, whose evidence shall, in the judgment of such Council, be material with reference to any project of Law, Bill, or Act then under consideration by such Council; and by such summons to require the person so summoned to produce before such Council all such books, deeds, and writings as to the

said Council shall appear necessary for obtaining information as to the matter so under consideration: and every person so summoned shall, according to the exigency of the summons, attend before the said Council, and produce such books, deeds, and writing, as shall be in his power, custody, or control.

Administration of an oath or affirmation.

II. It shall be lawful for the said Secretary or Assistant-Secretary to the Government of Bengal in the Legislative Department for the time being, or any other Officer appointed in that behalf by the Lieutenant-Governor, to administer an oath or affirmation, in such form as to the said Council shall seem fit, to any person appearing in obedience to such summons as aforesaid. But nothing herein contained shall prevent such person from giving evidence without oath or affirmation, if the said Council shall think it expedient that the evidence should be so given.

Powers against persons failing to appear, &c.

III. If any person, upon whom any such summons shall be served by the delivery thereof to him, or leaving thereof at his usual or last known place of abode, shall, without reasonable cause, (to be allowed by the said Lieutenant-Governor of Bengal,) fail to appear before the said Council at the time and place mentioned in the summons, or shall refuse to make oath or affirmation as required, or shall not make answer to such questions as shall be put to him touching the matter under consideration as aforesaid, or shall refuse or fail, without reasonable cause, (to be allowed by the said Lieutenant-Governor of Bengal,) to produce to the said Council any book, deed, or writing in his possession, power, or control as by the said Council he shall be required to produce, (whether mentioned in the summons or not,) the Lieutenant-Governor of Bengal shall, on the report of the said Council that such failure or refusal has taken place, have the power, by warrant under his hand, to direct that such person be apprehended and committed to close custody in a place and for a time specified in the warrant, unless he shall in the meantime comply, to the satisfaction of the said Council, with such requisitions as have been made on him touching his examination. The warrant may be directed to any Officer appointed in that behalf by the Lieutenant-Governor.

Expenses of witnesses.

IV. Whenever a summons is issued for the attendance of a witness under this Act, the Lieutenant-Governor of Bengal may, if he thinks fit, order such witness to receive from the Collector or Commissioner of the district or division in which the witness resides, such expenses as he would have been entitled to receive if summoned as a witness before the Principal Court of Original Jurisdiction within the limits of which he shall be residing.

Provisions of Sections 21 and 32 of Act II of 1855, extended.

V. The provisions of Sections XXI and XXXII of Act II of 1855 *(for the further improvement of the Law of Evidence)* shall extend to witnesses examined before the said Council of the Lieutenant-Governor of Bengal.

Interpretation.

Number.

Gender.

"Council."

VI. Throughout this Act, unless the contrary appears from the context, words importing the singular shall include the plural, and words importing the plural shall include the singular number:

Words importing the masculine gender shall include the feminine:

The word "Council" shall include any Committee of the whole Council, and any Select Committee of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

Bengal Secretariat Press.—D. E. J.—300—3-11-74.

ACT No. IV OF 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 13th March 1866, and of the Governor-General on the 23rd idem.*)

An Act to amend and consolidate the provisions of Act XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras, and Bombay) and of Act XLVIII of* 1860 *(to amend Act XIII of* 1856*).*

Preamble.

WHEREAS it is expedient to amend and consolidate the provisions of Act XIII of 1856 and of Act XLVIII of 1860, so far as the said Acts are applicable to the Town of Calcutta; It is enacted as follows:—

Short Title.

I. This Act may be cited as "The Calcutta Police Act, 1866."

Acts XIII of 1856 and XLVIII of 1860 repealed as far as regards Calcutta.

II. The said Acts XIII of 1856 and XLVIII of 1860 so far as they relate to the Town of Calcutta, are hereby repealed, except so far as they repeal any other enactment, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.

Interpretation.

III. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

"Town."

The words "Town of Calcutta" shall include all places within the local limits of the jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal.

PRICE 5 ANNAS 6 PIES.

"Magistrate." The word "Magistrate" shall mean any Magistrate of Police acting for the said Town.

"Property." The word "prop[illegible]" shall include any chattel, money, or valuable security.

"Month." The word "month" shall mean calendar month.

III of on 2.

"Oath." The word "oath" shall include any affirmation or declaration lawfully substituted for an oath.

"Common Gaming-house." The words "common Gaming-house" shall be taken to mean any house, room, or place in which cards, dice, tables, or other instruments of gaming are kept or used for the profit or gain of the person owning or keeping such house, room, or place, whether by way of charge for the use of the instruments of gaming, or of the house, room, or place, or otherwise howsoever.

"Cattle." The word "cattle" shall, besides horned cattle, include horses, asses, mules, sheep, goats, and swine.

Number. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include females.

Appointment and removal of Commissioner of Police. IV. The administration of the Police in the Town of Calcutta shall be vested in an Officer to be styled the Commissioner of Police for such Town, who shall from time to time be appointed by the Lieutenant-Governor of Bengal and may be removed by the same authority, and who shall receive such salary as the Governor-General of India in Council shall allow.

Appointment of Deputies to the Commissioner of Police. V. The said Lieutenant-Governor may from time to time appoint one or more Deputies to the Commissioner of Police, who shall be competent to perform any of the duties assigned to that

Officer under his orders. The Deputy Commissioner may be removed at any time by order of the said Lieutenant-Governor.

Commissioner of Police shall not ordinarily be a Magistrate.

VI. The Commissioner of Police shall not ordinarily be a Magistrate of Police under this Act, but, with the sanction of the Governor-General of India in Council, may be appointed to that office, when the said Lieutenant-Governor, for special reasons, may deem it expedient.

Commissioner of Police to be a Justice of the Peace, but to act only in certain cases.

VII. The Commissioner of Police shall be appointed a Justice of the Peace, but unless he is vested with the jurisdiction of a Magistrate of Police, he shall act as a Justice only so far as may be necessary for the preservation of the peace, the prevention of crimes, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate of Police; and so far as may be necessary for the performance of the duties assigned to the Commissioner by this Act. The Deputies to the Commissioner of Police may be appointed Justices of the Peace, and, if so appointed, shall act in that capacity subject to the above restriction.

Constitution of Police Force.

VIII. For the said Town of Calcutta there shall be a Police Force, which shall consist of such number of officers and men, and shall be otherwise constituted in such manner, as shall be, from time to time, ordered by the said Lieutenant-Governor, with the sanction of the Governor-General of India in Council.

The Police Force to be under the control of the Commissioner. Rules for the Government of the Force to be made by the Commissioner and approved by Government.

IX. The Police Force shall be under the exclusive direction and control of the Commissioner of Police, who may, from time to time, subject to the approbation of the said Lieutenant-Governor, frame such orders and regulations as he shall deem expedient, relative to the general government of the Force, the places of residence, the classification, rank, distribution, and particular service of the several members thereof; their inspection; the description of arms, accoutrements, and other necessaries to be furnished to them; and all such other orders and regulations relative

to the said Police Force as the said Commissioner shall from time to time deem expedient for preventing neglect or abuse, and for rendering such Force efficient in the discharge of all its duties.

Appointment, &c., of the Police Force to rest with the Commissioner.

X. The appointment of the members of the Police Force shall rest with the Commissioner of Police, and he may at any time suspend or dismiss any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

Power of Commissioner to fine members of the Police Force.

XI. For any lesser breach of discipline, or other misconduct not requiring the suspension or dismissal of the offender, a member of the Police Force may be fined by the Commissioner in any sum not exceeding one-half of his monthly pay.

Additional penalties for members of the Police Force for neglect of duty, &c.

XII. For neglect or violation of duty in his office, and for any breach of the orders and regulations framed as aforesaid, every member of the Police, besides being suspended or dismissed from his employment at the discretion of the Commissioner, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred rupees (which may be deducted from any salary then due to such offender), or to imprisonment, with or without hard labor, for any term not exceeding three months.

Members of Police Force to receive Certificates vesting them with the powers of a Constable.

XIII. Every member of the Police Force shall receive on his enrolment a Certificate (A), under the signature of the Commissioner of Police, by virtue of which he shall be vested with the powers, functions, and privileges of a Constable. Such Certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Force.

Members of Police Force not to resign without leave, or six or two months' notice.

XIV. No member of the Police Force, to be enrolled under this Act, shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Commissioner, or unless he shall have

given to the Commissioner six months' notice of his intention, if a member of the mounted branch of the said Force, and two months' notice if a member of any other branch; and every member of the said Force, who shall so resign or withdraw himself without such leave or notice, shall be liable, on the order of the Commissioner, to forfeit all arrears of pay then due to him; and, on the sentence of a Magistrate, if such Magistrate shall think fit, to pay a fine not exceeding fifty rupees, or to be imprisoned, with or without hard labor, for any term not exceeding two months.

Penalty for dismissed members of Police Force not delivering up clothing, accoutrement, &c.

XV. Every member of the Police Force, who shall be dismissed from, or shall cease to hold and exercise, his office, and who shall not forthwith deliver up his Certificate, and all the clothing, accoutrements, and other necessaries which may have been supplied to him for the execution of his duty, to the Commissioner, or to such person, and at such time and place, as shall be directed by the said Commissioner, shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labor, for any term not exceeding one month. And it shall be lawful for the Commissioner, or for any Magistrate, to issue his warrant to search for and seize all the clothing, accoutrements, appointments, and other necessaries which shall not be so delivered over, wherever the same may be found.

Police Superannuation Fund.

XVI. These shall be deducted from the pay of every member of the Police Force, of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum, after such rate as the said Lieutenant-Governor shall direct, not exceeding one anna in the rupee, which sum so deducted shall, from time to time, be invested in such manner and in such securities as the said Lieutenant-Governor may in writing direct; and the said sum so invested, together with the interest and dividends thereof, shall form a Fund, to be called "The Police Superannuation Fund," and shall be applied, from time to time, to payment of such superannuation or retiring

allowances or gratuities as may be ordered by the said Lieutenant-Governor at any time to any of the aforesaid members of the Police Force. Provided that any Police Officer may be dismissed or removed without a superannuation allowance, and that no Police Officer shall be entitled as of right to any allowance from the said Fund, or shall retain any right to a refund of any deduction made from his pay while he shall have been a Police Officer.

Disposal of the proceeds of certain fines, &c.

XVII. All sums accruing from stoppages from members of the Police Force during absence from sickness or other cause and fines imposed on members thereof for misconduct, and from fines imposed by Magistrates upon drunken persons or for assaults upon Police Officers, and all moneys arising from the sale of worn or cast-off clothing or other articles supplied for the use of the Police, shall be credited to any Fund applicable to Police purposes.

Commissioner of Police may appoint Special Constables when necessary.

XVIII. The Commissioner of Police may, of his own authority, appoint Special Constables to assist the Police Force on any temporary emergency.

Powers of Special Constables.

XIX. Every Special Constable so appointed shall have the same power, privileges and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary Officers of Police.

Penalty for Special Constable neglecting or refusing to serve, &c.

XX. If any person, being appointed a Special Constable as aforesaid, shall, without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty rupees for every such neglect, refusal, or disobedience.

Appointment of additional Constables on the application of private individuals

XXI. The Commissioner of Police may also, if he shall think fit, on the application of any person showing the necessity of it, appoint any additional number of Constables to keep the peace at any place within his jurisdiction, at the charge of the

person applying, but subject to the orders of the said Commissioner, and for such time as he shall think fit; and every such Constable shall receive a Certificate, by virtue of which he shall be vested with all the powers, privileges, and duties of the Constable belonging to the Police Force. Provided that the person upon whose application such appointment shall have been made may, upon giving one month's notice in writing to the Commissioner of Police, require that the Constables so appointed at his expense shall be discontinued, and thereupon the said Commissioner shall discontinue such additional Constables; and all moneys received by the Commissioner for the payment of any such additional Constables shall be accounted for by him.

Proviso.

XXII. The said Lieutenant-Governor may constitute, within the said Town of Calcutta, so many police districts as to such Lieutenant-Governor shall seem fit, and define the extent thereof; and from time to time alter the number and extent of such police districts, and establish a Police Court in and for each of such districts or in and for such other districts as the said Lieutenant-Governor may consider necessary. The said Lieutenant-Governor may, from time to time, appoint a sufficient number of fit persons as Magistrates of Police for the said Town, who may sit and act as such Magistrates in any of the said Police Courts. Every such person, before he shall act as a Magistrate of Police, shall also be appointed a Justice of the Peace, and shall exercise all powers and jurisdictions which by virtue of any law may be exercised by two Justices of the Peace.

Police districts.

Appointment of Police Magistrates.

XXIII. The Commissioner of Police shall take care that a sufficient number of Officers belonging to the Police Force shall be in attendance upon every Magistrate sitting at any Police Court, for the purpose of executing all such orders and processes as may be directed or delivered to them.

Police Officers to be in attendance at the Police Courts.

XXIV. All summonses, subpœnas, and warrants issued in any criminal proceeding by a Commissioner or Deputy Commissioner of Police, or by any

Service of criminal process by Police Officer.

Magistrate of Police, shall be served and executed within the said Town of Calcutta by an Officer of the Police Force, and by none other.

Execution of warrants.

XXV. When any warrant shall be directed or delivered to any such Officer, unless the authority issuing it shall order that it be executed without delay, such Police Officer shall deliver the same to the superior Officer in charge of the Division to which he belongs, who shall appoint, by endorsement thereon, one or more Police Officers to execute the same; and every Police Officer whose name shall be so endorsed thereon shall have the same powers, privileges, and protection, as if the same had been originally directed to him by name.

What Officer summarily triable by Magistrates.

XXVI. When any person is charged before a Magistrate with having committed, within the said Town, or within the limits of the Port of the said Town, or of any navigable river or channel leading thereto, as such limits shall be defined under the provisions of Act XXII of 1855 (*for the regulation of Ports and Port-dues*,) any of the offences specified in this section, and in the opinion of the Magistrate the case is one which will be adequately punished by imprisonment of the description, or either of the descriptions, applicable by law to the offence for a term not exceeding six calendar months, or (where by law the offence is punishable with fine alone) by a fine not exceeding one hundred rupees, or (in cases where by law both punishments may be imposed) by both such imprisonment and such fine, it shall be lawful for the Magistrate to proceed to try the case summarily, and on conviction to impose such punishment as aforesaid, and also to impose the punishment of whipping in lieu of, or in addition to, other punishment, in any case where by law the punishment of whipping may be imposed. Provided that, where the offence charged is one relating to moveable property, the Magistrate shall not try the case summarily, unless the value of such property does not exceed fifty rupees. Provided, also, that nothing in this section contained shall empower a Magistrate to impose any punishment for an offence in excess of that imposed for such offence by the Indian Penal Code.

The following are the offences above referred to:—

1. Offences under Section 133, 134, 135, 136, 137, 138, or 140 of the Indian Penal Code.

2. Offences under Section 161 of the Indian Penal Code.

3. Contempts of the lawful authority of public servants, other than an offence under Section 181 of the Indian Penal Code.

4. Resistance or obstruction by a person to his lawful apprehension under Section 224 of the Indian Penal Code.

5. Resistance or obstruction to the lawful apprehension of another person under Section 225 of the Indian Penal Code.

6. Offences relating to weights and measures.

7. Offences relating to religion.

8. Attempts to commit suicide.

9. Voluntarily causing hurt under Section 321 of the Indian Penal Code.

10. Voluntarily causing hurt on provocation under Section 334 of the Indian Penal Code.

11. Doing an act rashly or negligently under Section 336 or 337 of the Indian Penal Code.

12. Wrongful restraint under Section 341 of the Indian Penal Code.

13. Wrongful confinement under Section 342 of the Indian Penal Code.

14. Assault or criminal force under Section 352, 353, 357, or 358 of the Indian Penal Code.

15. Theft under Section 379 of the Indian Penal Code.

16. Dishonest misappropriation or conversion of moveable property under Section 403 of the Indian Penal Code.

17. Dishonestly receiving or retaining stolen property under Section 411 of the Indian Penal Code.

18. Assisting in the concealment, disposing of, or making away with, stolen property under Section 414 of the Indian Penal Code.

19. Cheating under Section 417, 418, or 419 of the Penal Code.

20. Mischief under Section 426, 428, or 434, of the Indian Penal Code.

21. Criminal trespass under Section 447, 448, 453, 461, or 462 of the Indian Penal Code.

22. Criminal breach of a contract of service.

23. Criminal intimidation, insult, or annoyance.

24. Attempts to commit any of the foregoing offences under Section 511 of the Indian Penal Code.

25. Abetment of any of the foregoing offences.

Summary jurisdiction of two Magistrates in certain cases.

XXVII. Whenever any person is charged before the Magistrate with any of the offences mentioned in the last preceding Section, or with any of the offences of hurt described in the Indian Penal Code, Sections 319 to 338, both inclusive, and by reason of the value of the property forming the subject of such charge, or for any other cause, the offence is not by law summarily cognizable by a single Magistrate, and some material witness is about to leave the Town or Port of Calcutta, it shall be lawful for two Magistrates, upon proof of the matters aforesaid, if they shall deem it probable (with reference to the time appointed for the departure of such witness) that the prosecution in Her Majesty's High Court of Judicature of the person so charged, will be ineffectual in consequence of the absence of such material witness, to hear and determine the charge summarily, and on conviction to sentence the offender to imprisonment, with or without hard labor, for a term not exceeding twelve months. Provided that it shall be lawful for the said two Magistrates, if they deem that the charge is from any circumstances fit to be made the subject of prosecution in the High Court rather than to be summarily disposed of, to commit the person charged for trial before the High Court of Judicature.

Restitution of stolen property to owner, or imposition of fine on offender.

XXVIII. Upon a summary conviction for any of the offences mentioned in the foregoing sections, the Magistrate or Magistrates, as the case may be, may order the restitution to the owner of property forming the subject of the charge, if the same be ing; and in the case of its not being restored pursuant to

such order, or of its not being forthcoming, may impose upon the offender, in addition to the punishment for the offence, a fine not exceeding the loss appearing to be caused to the persons who have suffered thereby, and may pay or distribute the proceeds of the said fine to or for the benefit of the said persons.

Penalty for wilful trespass on property.

XXIX. Whoever, without satisfactory excuse, wilfully trespasses in or on any dwelling-house or premises, or on any land or ground attached thereto, or on any boat or vessel, not thereby causing any actual damage, or on any ground belonging to Government or appropriated to public purposes, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding twenty rupees.

Magistrate may make order of maintenance for wives and children.

XXX. If any person having sufficient means neglects or refuses to maintain his wife or any legitimate or illegitimate child unable to maintain himself, it shall be lawful for a Magistrate, upon due proof thereof, to order such person to make a monthly allowance for the maintenance of his wife or such child as aforesaid, at such rate, not exceeding fifty rupees in the whole, as to the Magistrate shall seem reasonable; and if such person shall wilfully neglect to comply with the said order, the Magistrate may, by warrant, direct the amount due to be levied in the manner hereinafter provided for levying fines; or may order him to be imprisoned, with or without hard labor, for any term not exceeding one month. Provided always that any such person shall be at liberty to apply to the Magistrate from time to time for a reduction of such monthly allowance, on proof of an alteration in the circumstances of himself, his wife, or child, justifying such reduction. Provided also that if such person offers to maintain his wife on condition of her living with him, and his wife shall refuse to live with him, it shall be lawful for the Magistrate to consider any grounds of refusal stated by such wife; and he may make the order aforesaid, notwithstanding such offer aforesaid, if he shall be satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

Proviso.

Magistrate may compel immediate restoration of a woman or child detained for any unlawful purpose.

XXXI. Upon complaint made to a Magistrate on oath of the kidnapping, abduction, or detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, such Magistrate may, on satisfactory proof of such detention, make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian, or other person having the lawful charge or government of such child, and may compel compliance with such order, using force if necessary.

Apprehension and punishment of reputed thieves, &c.

XXXII. Any person found between sunset and sunrise armed with any dangerous or offensive instrument whatsoever, with intent to commit any criminal act; any reputed thief found between sunset and sunrise on board any vessel or boat, or lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, who shall not give a satisfactory account of himself; any person found between sunset and sunrise having his face covered or otherwise disguised, with intent to commit any offence; any person found between sunset and sunrise in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; and any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house-breaking —may be taken into custody by any Police Officer without a warrant, and shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labor, for any term not exceeding three months.

Penalty for taking spirits into barracks or on board vessels of war.

XXXIII. Whoever, not being amenable to the Articles of War for Her Majesty's Army or Her Majesty's Navy, or for the native officers or soldiers in Her Majesty's Indian Army, takes, or attempts to take, into Fort William at Calcutta, or into any military barracks, guard-rooms, or encampments within the town of Calcutta, or on board or alongside of any vessel of war belonging to Her Majesty in the port of the said town, any spirits

or spirituous or fermented liquors, or intoxicating drugs or preparations, without the license in writing of the Commanding Officer (unless such articles are intended for some person above the rank of Non-Commissioned Officer), shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred rupees, or imprisonment for any term not exceeding two months, with or without hard labor; and such liquors, drugs, or preparations, and the vessels containing the same, shall be forfeited.

Penalty for taking spirits, &c., into jail.

XXXIV. Whoever takes, or attempts to take, without due permission, or throws, or attempts to throw, into any jail or house of correction, or into any public hospital, any spirits or spirituous or fermented liquors, or intoxicating drugs or preparations, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labor, for any term not exceeding two months.

Penalty for keeping hotel, &c., without a license.

XXXV. Whoever in the town of Calcutta has or keeps any hotel, tavern, punch-house, ale-house, arrack, or toddy shop, or place for the sale or consumption of ganja, chundoo, or other preparation of opium, hemp, or other intoxicating drug, plant, or substance, or has or keeps any coffee-house, boarding-house, eating-house, lodging-house, or other place of public resort and entertainment, wherein provisions, liquors, or refreshments are sold or consumed (whether the same be kept or retailed therein or procured elsewhere), without a license to be obtained in the manner hereinafter mentioned, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees for every day that the said house or place of entertainment is kept open, or the sale of provisions, liquors, or refreshments is continued without the necessary license. Provided that nothing in this Act shall apply to the sale in reasonable quantities of any drug, plant, or substance in any Chemist's or Druggist's shop for medicinal purposes only.

Excise license not to be granted without Certificate of Commissioner of Police.

XXXVI. No license shall be granted under the provisions of Act XI of 1849 *(for securing the Abkaree Revenue of Calcutta)* unless the person applying for such license shall produce a Certificate from the Commissioner of Police, stating that a license may be granted to him for the sale of spirituous liquors or intoxicating drugs, as the case may be, without risk or detriment to the preservation of peace and good order, and containing a full statement of such conditions as may have been imposed, and shall have remained in force under the provisions hereinafter contained at the date when such license shall be granted. No license so granted shall be renewable without a fresh Certificate as aforesaid previously obtained from the Commissioner of Police, subject to the order and control of the Lieutenant-Governor of Bengal.

Duration and conditions of license.

XXXVII. It shall be competent to the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor, to limit in such Certificate as aforesaid, the period for which the license may be granted, and also to fix such conditions as he may deem necessary for securing the good behaviour of the keepers of the houses and places of entertainment as aforesaid, and for the prevention of drunkenness and disorder among the persons frequenting or using the same, and from time to time to vary such conditions subject to such direction and control as aforesaid; and no license granted under the said Act XI of 1849 shall be valid, unless it shall contain such conditions as shall have been imposed and shall remain in force for the time being under this section.

Penalty for keeping up a signboard or notice after expiry of license.

XXXVIII. Whenever any license granted as aforesaid shall have ceased to have effect, it shall be lawful for the Commissioner of Police to order the person to whom such license shall have been granted, to remove or cause to be removed any signboard or other notice which such person might have been theretofore bound, under the conditions of his said license, to affix on or near the house or place of public resort or entertainment for

which such license had been granted; and any person who shall fail to obey any such order forthwith, shall be liable, on summary conviction before a Magistrate, to a fine of ten rupees for every day thereafter during which he shall so fail.

Commissioner of Police may grant licenses for places for which no licenses are required under Act XI of 1849.

XXXIX. The Commissioner of Police may, at his discretion, from time to time, grant licenses to the keepers of such houses or places of public resort and entertainment as aforesaid for which no license as is specified in the said Act XI of 1849 is required, upon such conditions, to be inserted in every such license, as he with the sanction of the said Lieutenant-Governor from time to time shall order, for securing the good behaviour of the keepers of the said houses or places of public resort or entertainment, and the prevention of drunkenness and disorder among the persons frequenting or using the same; and the said licenses may be granted by the said Commissioner for any time not exceeding one year.

Penalty for a breach of any condition of a license.

XL. Any person committing a breach of any of the conditions of a license granted either under Section 36 or Section 39 of this Act shall, on summary conviction before a Magistrate, be punishable by a fine not exceeding one hundred rupees; and such fine shall be recovered from the person licensed, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop or place of sale. Any person so convicted shall also be liable to the forfeiture of his license, at the discretion of the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor.

Fee for Certificate and License.

XLI. For every Certificate or License granted by the Commissioner of Police under this Act there shall be levied a fee of two rupees.

Penalty for harbouring and concealing deserters from merchant vessels.

XLII. Whoever, in any place within the said Town, wilfully harbours or conceals any seaman or apprentice belonging to any vessel other than a vessel of the Navy of the Queen, knowing,

or having reason to believe, such seaman or apprentice to be a deserter, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred rupees.

Brothels.

XLIII. On proof to the satisfaction of the Commissioner of Police, or of a Magistrate, that a house is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, such Commissioner or Magistrate may summon the owner or tenant of the house, and, on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and, if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five rupees for every day thereafter that the house shall be so used.

Penalty for owning or keeping, or being employed in a gaming-house, &c.

XLIV. Whoever, being the owner, occupier, or having the use of any house, room, or place, opens, keeps, or uses the same as a common gaming-house; and whoever, being the owner or occupier of any house or room, knowingly and wilfully permits the same to be opened, kept, or used by any other person as a common gaming-house; and whoever has the care or management of, or in any manner assists in conducting, the business of any house, room, or place so opened, kept, or used; and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, room, or place, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding five hundred rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

Penalty for being found playing in a gaming-house.

XLV. Whoever is found in any such house, room, or place, playing or gaming with cards, dice, counters, money, or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake, or otherwise, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding two hundred rupees, or to imprisonment, with or without hard labor, for any term not exceeding one month;

and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Commissioner of Police or Magistrate may grant warrants to Police Officers to enter a gaming-house for the purpose of search and seizure.

XLVI. If the Commissioner of Police or a Magistrate, upon information on oath, and after such enquiry as he may think necessary, has reason to believe that any house, room, or place is used as a common gaming-house, he may, by his warrant, give authority to any Inspector or superior Officer of Police to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to take into custody all persons whom he finds therein, whether or not then actually gaming, and to seize all instruments of gaming, and all moneys and securities for money, and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein, and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he so takes into custody, and to seize and take possession of all instruments of gaming found upon such search.

Common gaming-house.

XLVII. When, under the provisions of the last preceding section, any cards, dice, gaming-table, or cloth, board, or other instruments of gaming, are found in any house, room, or place, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room, or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Police Officer or any of his assistants.

On conviction for keeping a common gaming-house, instruments of gaming to be destroyed, &c.

XLVIII. On conviction of any person for keeping any such common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Magistrate, who may also order all or any of the securities for money and

other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all money seized therein, to be forfeited, or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for stakes unnecessary.

XLIX. It shall not be necessary, in order to convict any person of keeping a common gaming-house or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Witnesses indemnified.

L. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination shall make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Portion of fine may be paid to informer.

LI. The Magistrate may direct any portion, not exceeding one-fourth, of any fine which shall be levied under sections 44 and 45 of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under section 48, to be paid to an informer.

Gambling in the street.

LII. A Police Officer may apprehend without warrant any person found gaming with cards, dice, counters, money, or other instruments of gaming in any public street, place, or thoroughfare, or publicly fighting cocks, or present as a spectator of such cock-fighting: and such person shall be liable, on summary conviction before a Magistrate, to a fine not exceeding twenty rupees, or to imprisonment, with or without hard labor, for any term not exceeding one month, and such instruments of gaming and money shall be forfeited.

LIII. If any property answering the description set forth in any information which shall be given by any Police Officer to any pawn-broker or dealer in second-hand property, or money-changer regarding property stolen or fraudulently obtained, shall then be or thereafter come into the possession of, or be offered in pawn, or for sale, or change, to such pawn-broker, dealer, or money-changer, he shall, without unnecessary delay, give information to that effect at the nearest Police Station, and shall also state the name and address given by the party by whom the same was offered, or from whom the same was received, under a penalty, to be imposed by a Magistrate on summary conviction, not exceeding fifty rupees for each and every such neglect or offence; provided always that, in the case of wearing apparel or other articles which it may be difficult for such pawn-broker or dealer to trace out and identify, no fine shall be exigible in respect of not reporting such articles, unless it shall appear to the Magistrate that such articles had been knowingly concealed by such pawn-broker or dealer.

Pawn-brokers and money-changers to report stolen property under a penalty for neglect.

LIV. Whoever takes from any child, apparently under the age of fourteen years, any article whatsoever as a pawn, pledge, or security for any sum of money lent or advanced to such child, or, without the knowledge and consent of the owner of the article, buys from any child any article whatsoever, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding one hundred rupees.

Taking pledge from child under the age of fourteen.

LV. The Commissioner of Police shall keep in his Office standard weights and measures; and weights and measures shall be held to be false when they do not agree with such standards.

Standard weights and measures.

LVI. Any Inspector or superior Officer of Police may enter any shop or premises for the purpose of inspecting the weights and measures, and instruments for weighing, kept or used therein, and may seize any weight, measure, or instrument for weighing which he may have reason to believe is false.

Powers of Inspector, &c., to enter shops to seize false weights and measures.

Manufacture or possession of gunpowder.

LVII. Whoever manufactures gunpowder, or, without a license from the Commissioner of Police, has in his possession, in any house, shop, warehouse, or other building, at any one time, a greater quantity of gunpowder than ten pounds, shall be liable, on a summary conviction before a Magistrate, to a fine not exceeding five hundred rupees, and also to forfeit such gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be contained.

Licenses by Commissioner of Police for sale and deposit of gunpowder, &c.

LVIII. The Commissioner of Police may grant to any person a license for the sale or keeping in deposit of any quantity of gunpowder not exceeding fifty pounds, on such conditions, and for such term, not exceeding one year, as shall be specified in the license; and any person who shall be guilty of a breach of any of such conditions shall, on summary conviction before a Magistrate, be liable to a fine not exceeding two hundred rupees, and to forfeit all gunpowder so kept in deposit contrary thereto, and the vessels containing it, and also, in the discretion of the Magistrate, or of the Commissioner, to forfeit his license.

Licenses for conveying and removing gunpowder.

LIX. The Commissioner of Police may grant to any person a license for the transit and carrying of gunpowder from one place to another, in such manner and in such quantity as he may deem advisable; and any person, not being duly licensed in that behalf, who carries or conveys a greater quantity of gunpowder than one pound from one place to another, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees.

Commissioner of Police may issue warrant to search for gunpowder, &c.

LX. The Commissioner of Police, on credible information laid before him on oath, may issue his warrant authorizing a Police Officer to search in the day time any house, shop, magazine, or other building or place in which he has reasonable ground to suspect that any gunpowder is manufactured, sold, or kept, or any boat, carriage, cart or other vehicle in which any gunpowder may be suspected to be carried, or any person suspected of

carrying the same, contrary to the provisions of this Act; and all gunpowder found on such search shall, together with the vessels or receptacles in which it may be restored, be immediately seized and kept, pending the judgment of a Magistrate.

Act not to apply to Government gunpowder, &c.

LXI. None of the four last preceding sections shall extend to any Government magazine, or store, or building for the making or deposit of gunpowder under the authority, or for the use of the Government, or to any gunpowder belonging to Her Majesty.

The regulation of public processions, &c., and of carriages and persons at places of public resort.

LXII. The Commissioner of Police, from time to time, as occasion may require, may, subject to the orders of the said Lieutenant-Governor, make rules for the conduct of all assemblies and processions in the public roads, streets, or thoroughfares, prescribing the routes by which, and the times at which, such processions may pass; and for keeping order in the public roads, streets, thoroughfares, ghauts, and landing-places, and all other places of public resort, and preventing obstructions thereof on the occasion of such assemblies and processions, and in the neighbourhood of places of worship during the time of public worship; and in any case when the roads, streets, or thoroughfares, ghauts, or landing-places, may be thronged, or may be liable to be obstructed; and may give licenses for the use of music in the streets on the occasion of native festivals and ceremonies. Every person opposing or not obeying the orders so issued by the Commissioner of Police, or violating the conditions of such license, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred rupees.

Licenses for use of music in streets.

Passenger-boats to be registered.

LXIII. No boat shall ply for passengers in the port of Calcutta unless duly registered at the Police Office. The following particulars shall be entered in the Register:—

First.—Number of the boat.

Second.—Name and residence of the owner, and of the manjee.

Third.—Number of the crew.

Fourth.—Number of persons the boat is permitted to carry.

Registration.

The registration shall be in force for one year; and every change of the owner or manjee within that time shall be therein noted. A fee of one rupee shall be paid on registration.

Name of owner or manjee, number, &c., to be painted.

The owner or manjee of every such registered boat shall cause to be painted on a conspicuous part of it, in the English and Vernacular languages, the registered number thereof, the number of the crew, and the number of passengers permitted to be carried.

Penalty.

The owner or manjee of a boat plying for passengers without being duly registered, or carrying more passengers, or with a less crew than is stated in the register, or not having the prescribed particulars painted on it, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees.

Commissioner may refuse to register unsafe boats, or, if registered, may cancel the registry.

LXIV. The Commissioner may refuse to register any boat, or may cancel the registration thereof whenever it may appear to him to be in an unsafe state.

Penalty for neglecting or delaying to report accident to a registered boat attended with loss of life.

LXV. Whenever any accident shall occur to a registered boat, attended with loss of the life of any one of the crew or passengers, the manjee, or, if the manjee be not forthcoming, the owner of the boat, shall report the circumstances at the Police Office; and if the manjee or the owner, as the case may be, without lawful excuse, neglect or delay to make such report, he shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees.

Penalty for the following offences in public streets, &c.

LXVI. Whoever, within such limits as shall be from time to time defined by the Commissioner of Police with the sanction of the said Lieutenant-Governor, in any public street, road, thoroughfare, or place of public resort, commits any of the

15. Whoever obstructs or incommodes a person bathing at any place set apart as a bathing-place, by wilful intrusion, or by using such place as a landing-place, or by anchoring or otherwise fastening or keeping boats, or by washing horses, cattle or dogs at or near such place, or in any other way.

Obstructing persons at bathing-places.

LXVII. Whoever cruelly beats, ill-treats, abuses or tortures, or causes or procures to be cruelly beaten, ill-treated, abused or tortured, any animal, shall for every such offence be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred rupees, and in default thereof to imprisonment with or without hard labor for any term not exceeding three months.

Cruelty to animals.

LXVIII. Whoever is found drunk and incapable of taking care of himself, in any street or thoroughfare, or in any place of public amusement or resort, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding ten rupees, or to imprisonment with or without hard labor for a term not exceeding twenty-four hours.

Penalty for drunkenness, or riotous or indecent behaviour in public.

LXIX. Whoever wilfully and indecently exposes his person, or commits a nuisance, by easing himself in or by the side of or near to any public street or thoroughfare or place, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding ten rupees, or in default thereof to imprisonment with or without hard labor, for fourteen days.

Penalty for committing a nuisance in streets.

LXX. Whoever in any public road, street, thoroughfare or place begs or applies for alms, or expos[es] or exhibits any sores, wounds, [de]formity, with the object of exciting char[ity] obtaining alms; or whoever seeks for or obtains alms [by] of any false statement or pretences shall be liab[le]

Beggars.

conviction before a Magistrate, to imprisonment with or without hard labor for any term not exceeding one month.

Stray animals to be impounded and sold unless redeemed within ten days.

LXXI. It shall be lawful for all persons, and it is hereby declared to be the special duty of all police officers, to seize all cattle or other animals found straying upon the roads, streets, or thoroughfares, or trespassing on any of the grounds or property of the inhabitants, or of the Government, and to confine such animals in any public pound which shall for such purpose be from time to time appointed by the Commissioner of Police; and if such animals shall not be respectively redeemed by the owners of the same within ten days after being so impounded, by paying to the person to be appointed by the said Commissioner to have charge of such pound, the fee of eight annas for every goat, sheep, or hog, and one rupee for every other animal, together with the expenses of feeding the same while impounded, according to a daily rate to be settled by the said Commissioner, such animals so impounded shall be publicly sold, and the produce of such sale, after paying the said fee and also the expenses of feeding, shall be paid to the owners of such animal, or in default of their claiming such produce for the space of fifteen days after such sale, shall be retained by the said Commissioner, and credited to any fund applicable to police purposes.

Police Officer may arrest without warrant on view of offence.

LXXII. Any police officer may arrest without a warrant any person committing, in his view, any of the offences described or referred to in this Act.

Police Officer may take into custody, without warrant, persons charged having recently hurt.

LXXIII. Any police officer may take into custody, without warrant, any person who is charged with causing hurt, in every case in which he shall have good reason to believe that hurt has been caused, although not in and that by reason of the recent commission of the warrant could not have been obtained for the appr- offender.

Apprehension of offenders by private individuals

LXXIV. Whoever commits an offence on or with respect to the person or property of another, or, in committing any of the offences described or referred to in this Act, injures or damages the person or property of another, may, if his name and address be unknown, be apprehended by the person injured, or by any person who may be using the property to which the injury may be done, or by the servant of either of such persons, or by any person authorized by or acting in aid of him, and may be detained until he give his name and address, and satisfy such person that the name and address so given are correct, or until he can be delivered into the custody of a Police Officer.

Penalty for assaulting or forcibly resisting a person who apprehends under the preceding section.

LXXV. If any person lawfully apprehended under the last preceding section shall assault or forcibly resist the person by whom he shall be so apprehended, or any person acting in his aid, he shall be liable to a fine not exceeding two hundred rupees.

Persons taken into custody by a Police Officer without warrant may be detained in Station House, until brought before a Magistrate or bailed.

LXXVI. Every person taken into custody without a warrant by a Police Officer shall be taken to the Station House, in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into recognizances, with or without sureties, for his appearance before a Magistrate.

Power to take recognizances at the Station Houses upon certain charges.

LXXVII. Whenever any person is brought to a Station House charged with any offence against this Act, or with any of the offence numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24, and 25 in Section XXVI of this Act; or whenever a person is in the custody of any Police Officer without a warrant, it shall be lawful for the Officer in charge of such Station House, or any superior Officer of Police, if he shall deem it prudent, to discharge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

Condition of recognizance.

LXXVIII. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before the Magistrate at his next sitting, and all persons executing the said recognizance shall acknowledge themselves jointly and severally bound in the sum (not exceeding one thousand rupees) thereby acknowledged, and the time and place of appearance shall be specified in the said recognizance, or in the condition thereof; and the Officer taking the recognizance shall enter in a book, to be kept for the purpose, the name, residence, and occupation of the party, and his surety or sureties (if any) entering into such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Magistrate present at the time and place when and where the party is bound to appear.

On suspicion of goods being stolen or unlawfully obtained, Commissioner of Police or Magistrate may grant search-warrant.

LXXIX. If information shall be given on oath to the Commissioner of Police, or to a Magistrate, that there is reasonable cause for suspecting that any thing stolen or unlawfully obtained is concealed or lodged in any dwelling-house, building, or other place, or any ship or vessel, the Commissioner or the Magistrate by special warrant under his hand directed to any Police Officer, may cause such dwelling-house, building, or other place, or ship or vessel, to be entered and searched at any time of the day, or by night, if power for that purpose be given by such warrant; and the said Commissioner or Magistrate, if it shall appear to him necessary, may empower such Police Officer, with such assistance as may be found necessary (such Officer having previously made known his authority), to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if, upon search thereupon made, such thing shall be found, then to convey the same before a Magistrate, or to guard the same on the spot until the offenders are taken before a Magistrate, or otherwise dispose thereof in some place of safety; and, moreover to take into custody, and carry before the said Magistrate, every

person found in such house or place, or ship or vessel, who shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

Power to search houses for stolen property without a warrant in certain cases.

LXXX. If information shall be given to any Officer of Police not below the rank of Inspector, that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any dwelling-house or other place, and he shall have good grounds for believing that, by reason of the delay in obtaining a search-warrant, the property is likely to be removed, the said Officer, in virtue of his office, may search for specific articles alleged to have been stolen in the houses and places specified; provided, always that a list of the articles stolen or missing be delivered or taken down in writing, with a declaration stating that the robbery has been committed, and that the informant has good ground to believe that the property is deposited in such house or place; and provided, further, that the person who lost the goods, or his representative, accompany the Officer in the search.

Seizure of stolen property.

LXXXI. It shall be lawful for any Police Officer to seize any property or thing which may be found in the possession of any person, where the possession by such person of such property or thing creates a reasonable suspicion of the committal of an offence; and such seizure shall be forthwith reported to the Commissioner of Police, who shall thereupon make such order respecting the custody or production of the property as he shall think proper.

Disposal of stolen property in custody of Police.

LXXXII. If any property, charged to be stolen or fraudulently obtained, shall be in the custody of any Police Officer by virtue of any warrant of a Magistrate, or in prosecution of any charge of an offence against the Indian Penal Code in regard to the obtaining thereof, and the person charged with such offence shall not be found, or shall have been summarily dealt with or discharged,

or shall have been tried and acquitted, or if such person shall have been tried and found guilty, but the property so in custody shall not have been included in the charge upon which he shall have been found guilty, or if any property shall have been seized by a Police Officer under the two last preceding sections—it shall be lawful for any Magistrate to make an order for the delivery of such property to the party who shall appear to be the rightful owner thereof; or, in case the owner cannot be ascertained, then to make such order with respect to the property as to the Magistrate shall seem meet. Provided, always, that no such order shall be any bar to the right of any person to sue the party to whom the property shall be delivered, and to recover such property from him by action at law, so that the action be commenced within two months next after such order shall have been made.

Magistrate may proceed by summons, and if party does not appear may issue warrant.

LXXXIII. Upon any information or complaint, which need not be upon oath, laid or made before a Magistrate of Police, of any matter which such Magistrate is by law authorized to hear and determine summarily, he may summon the person charged to appear at a time and place to be mentioned in the summons; and if such person shall not appear according to the tenor of the summons, the Magistrate, upon proof of the service of summons, may proceed in all cases which are not of a criminal nature, if no sufficient cause shall be shown for the non-appearance of the person charged, to hear and determine the case in his absence; or in such cases, and in all criminal cases, may, if he think fit, upon oath being made before him, substantiating the matter of such information or complaint to his satisfaction, issue his warrant for apprehending and bringing the person charged before him or some other Magistrate, in order that the said information or complaint may be heard and determined. Provided, always, that the prosecution for any offence not of a criminal nature, punishable upon summary conviction by virtue of this Act, shall be commenced

In cases not of a criminal nature, Magistrate may proceed in the absence of the person summoned.

Prosecution for such offences to be commenced within three months.

within three months after the commission of the offence, and not otherwise.

How summons may be served.

LXXXIV. Every such summons shall be served by delivering the original or a copy thereof to the person charged, or by leaving the same at his usual place of abode with some adult male member or servant of his family.

Magistrate may issue warrant without summons when grounds for doing so are stated on oath.

LXXXV. A Magistrate may, without issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence cognizable before him, whenever good grounds for so doing shall be stated on oath before him.

Magistrate may enforce attendance of witnesses:

LXXXVI. A Magistrate may summon any person within his jurisdiction to appear before him, at a time and place appointed, as a witness in any matter cognizable by the Magistrate, and to bring with him any document or thing that may be required relating to any offence with which any person is charged before him; and may administer to such person an oath to testify the truth in such matter. If any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, the Magistrate may (after proof upon oath of the summons having been served upon such person either personally or by leaving the same at his usual place of abode with some adult male member or servant of his family) issue a warrant to bring such person before him to testify as aforesaid.

and administer oath

Fees on summons and subpœna.

LXXXVII. For every summons issued by the Commissioner of Police or Magistrate under this Act, there shall be paid a fee of eight annas, and for every subpœna so issued there shall be paid a fee of four annas. Provided that it shall be lawful for such Commissioner or Magistrate in any case to remit such fee or fees, if he shall be satisfied that the

Proviso.

party complaining is unable to pay the same, or if the complaint is made by any Police Officer in execution of his duty.

Power to Magistrates to order prisoners to be brought up to the Police Office.

LXXXVIII. When any Magistrate is desirous of examining any prisoner, confined in the Civil or Criminal Jail, as a witness or defendant, with respect of any charge, case, or proceeding pending before him, it shall be lawful for such Magistrate to issue an order addressed to the Superintendent or Officer in charge of the said jail, requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Police Office, for examination; and the Superintendent or Officer in charge of the said jail, on the receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from prison for the purpose aforesaid.

Giving false evidence.

LXXXIX. Whoever gives false evidence in any judicial, proceeding before a Magistrate may be committed by such Magistrate for trial before Her Majesty's High Court of Judicature.

Power to Magistrate to adjourn the hearing of case, and commit defendant, or suffer him to go at large, or discharge him upon his own recognizance.

XC. The Magistrate may, from time to time, adjourn the hearing of any information or complaint to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or their respective counsel, attorneys, or agents then present, and in the meantime the said Magistrate may suffer the defendant to go at large, or may discharge him upon his entering into a recognizance with or without surety or sureties, conditioned for his appearance at the time and place to which such hearing or further hearing shall be adjourned; and, in default of such recognizance, or if the offence with which such person is charged is not a bailable offence, may detain him in custody; and if at the time or place to which such hearing or further hearing shall be so adjourned, either or both of the parties shall not appear personally, or by his or their counsel, attorneys, or agents respectively, before the said Magistrate, or such

In cases not of a criminal nature, Magistrate may proceed with the further hearing in the absence of parties.

other Magistrate as shall then be there, it shall be lawful for the Magistrate then there present to proceed, in cases which are not of a criminal nature, to such hearing or further hearing, as if such party or parties were present; and in all cases where the prosecutor or complainant shall not so appear, the said Magistrate may dismiss such information or complaint, with or without costs, as to such Magistrate shall seem fit.

In all cases, if prosecutor fails to appear, complaint may be dismissed.

XCI. It shall be lawful for any Magistrate, who shall hear and determine any information or complaint, to award such costs as to him shall seem meet, to be paid to or by either of the parties to the said charge or complaint; and such costs shall be recoverable in the manner hereinafter provided for levying fines.

Power to award costs on hearing of information or complaint.

XCII. In every case in which any person shall be given in charge to a Police Officer, or in which any information or complaint of any offences shall be laid or made before any Magistrate, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for making the charge, the Magistrate shall have power to award such amends, not exceeding fifty rupees, to be paid by the informer or complainant to the party informed or complained against, for his loss of time and expenses in the matter, as to the Magistrate shall seem meet. Such amends shall be recoverable in the manner hereinafter provided for levying fines.

Amends may be awarded for charges made on insufficient grounds.

XCIII. All fines and penalties imposed by a Magistrate of Police under the authority of this Act, or of any other Act heretofore passed, or which shall hereafter be passed, if no other means for enforcing the payment of such fines and penalties are or shall be provided by such Act, may, in cases of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate. When a warrant of distress is issued, the Magistrate may order the offender to be detained and kept in safe

Levy of fines.

custody, until return can be conveniently made to such warrant, unless the offender enter into a recognizance, with or without sureties, conditioned for his appearance before him on the day appointed for such return, such day not being more han eight days from the time of taking such recognizance; but if, before issuing such warrant of distress, it shall appear to the Magistrate, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Magistrate whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant of distress: and, in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the Magistrate, he shall by warrant commit the offender to jail, there to be imprisoned, with or without hard labor, for any term not exceeding two months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four months where the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Distress not unlawful for want of form, &c.

XCIV. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto; nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

If Magistrate certifies the non-appearance of a person pursuant to the recognizance, the sum acknowledged may be recovered as a fine.

XCV. If any person, upon entering into such recognizance as is by this Act authorized to be taken, do not afterwards appear pursuant to such recognizance, the Magistrate before whom he ought to have appeared shall certify the fact of such non-appearance on the back of the recognizance and thereupon the sum thereby acknowledged

shall be recoverable in the manner provided by this Act for levying fines.

XCVI. *Clause* 1.—Every Magistrate of Police shall have the same authority to require persons to enter into recognizances to keep the peace, or to be of good behaviour, as may lawfully be exercised by a Justice of the Peace.

Recognizances for keeping the peace or for good behaviour.

Clause 2.—If any person who has entered into a recognizance in any amount not exceeding two hundred rupees, to keep the peace or to be of good behaviour, before any Magistrate of Police or any Justice of the Peace, by any act forfeits such recognizance, the Magistrate or other authority before whom he may be convicted of any act by which such recognizance is forfeited, shall, when applied to, certify any such conviction on the back of such recognizance, and thereupon the sum thereby acknowledged to be due by such person shall be recoverable in the manner provided by this Act for levying fines.

If such recognizance do not exceed 200 rupees, the amount, upon conviction, if forfeited, may be recovered as fine.

Clause 3.—Whenever it shall be shown to the satisfaction of a Magistrate of Police, either by the production of such certificate of conviction as is mentioned in the preceding clause, or otherwise, that any such recognizance is forfeited, the Magistrate, if he think that proceedings should be had against the sureties, shall give notice to them to pay the sums which by their recognizances they have respectively acknowledged themselves to owe, or to show cause, on a day to be named in such notice, why the said sums should not be paid; and if no sufficient cause shall be shown, the said sums shall be recoverable in the manner provided by this Act for levying fines.

Proceeding against sureties.

XCVII. Any Magistrate, in cases adjudged summarily under the provisions of section XXVI of this Act, shall cause the judgment to be drawn in the form (B) hereinafter provided, or to the like effect.

Form of judgment.

XCVIII. No conviction, order, or judgment of any Magistrate shall be quashed for error of form or procedure, but only on the grounds of want of jurisdiction or absence of any legal

On what grounds conviction may be quashed. Form of conviction, &c.

evidence or error of law; and it shall not be necessary to state on the face of the conviction, order, or judgment the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*; and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

XCIX. *Clause* 1.—All actions and prosecutions against any person, which may be lawfully brought for any thing done, or intended to be done, under the provisions of this Act, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action, and of the causes thereof, shall be given to the defendant one month at least before the commencement of the action; and in every such action it shall be expressly alleged in the plaint, that the act complained of was done maliciously and without reasonable or probable cause; and if at the trial of any such action, upon the general issue being pleaded as hereinafter provided, the plaintiff shall fail to prove such allegation, he shall be nonsuited, and a verdict shall be given for the defendant.

Limitation of action.

Notice of action.

Clause 2.—The defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and

Plea.

Tender of amends.

Costs.

client, and have the like remedy for the same, as any defendant hath by law in other cases; and, though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have cost against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

Moveable property under two hundred rupees in value of persons dying intestate may be taken charge of by Police, and delivered to party claiming to be entitled thereto.

C. Whenever any person dies intestate within the said Town leaving moveable property therein under two hundred rupees in value, which property is, in the absence of any person entitled thereto, taken charge of by the Police for the purpose of safe custody, it shall be lawful for the Commissioner of Police to order the said property to be delivered, without letters of administration taken out, to any person claiming to be entitled to the whole or any part thereof; provided he shall be satisfied of the title of the claimant, and of the value of the property, by the oath or affirmation of the claimant, or by such other evidence as he may require.

Commissioner of Police may take security for due administration and distribution of such property.

CI. The Commissioner of Police may, at his discretion, before making any order under the preceding section, take such security as he may think proper for the due administration and distribution of such property. And nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

Saving of right of other person claiming.

Stray dogs to be killed at certain appointed periods.

CII. It shall be lawful for the Commissioner of Police, by order in writing to be affixed at the principal Police Stations, and also to be published in some public newspaper, to appoint, from time to time, certain periods within which any dogs found straying in the streets or beyond the enclosures of the houses of the owners of such dogs, may be destroyed.

CIII. Any Magistrate, upon an application being made to him by the Consul of any Foreign power to which the Foreign Deserters' Act, (1852) has, by an order of Her Majesty in Council, been, or shall hereafter be, declared to be applicable, and upon complaint on oath of the desertion of any seamen, not being a slave, from any ship of such Foreign power, may, until a revocation of such order in Council shall have been publicly notified, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody till the vessel is ready to sail, on deposit being first made of such sum as the Magistrate shall deem necessary for the subsistence of the deserter during such detention; provided that the detention of such deserter shall not be continued beyond twelve weeks.

Foreign Deserter.

SCHEDULE OF FORMS.

FORM A.—*(Referred to in Section XIII.)*

A. B. has been appointed a Superintendent, Inspector, Jemadar, Darogah, or Peon *(as the case may be)*, in the Calcutta Police Force, and is vested with the powers, functions, and privileges of a Constable.

FORM B.—*(Referred to in Section XCVII.)*

Be it remembered that, on the day of in the year of our Lord , before me ( ) Magistrate of Police in and for the Town of Calcutta, C. D. is *(convicted or acquitted)* on a charge of *(here specify the alleged offence and the time and place when and where the same was committed, as the case may be)*, and I, the said Magistrate of Police, believe the value of the property, the subject of the charge, to amount to a sum not exceeding fifty rupees, that is to say Rupees; and I adjudge the said C. D. *(here state that the prisoner is to be discharged, or the punishment he is to suffer, as the case may be)*

(Signed)———

Regr. No. 10659—300—16-3-76.

ACT No. V OF 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 24th March 1866, and of the Governor-General on the 29th idem.*)

An Act to make better provision for the regulation of Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta.

Preamble.

WHEREAS it is expedient to make better provision for the Regulation of Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta; It is enacted as follows:—

Act I of 1864 repealed.

I. From and after the passing of this Act, (Act I of 1864) passed by the Lieutenant-Governor of Bengal in Council, entitled "An Act for regulating Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta," shall be, and the same is hereby, repealed, save and except as to matters done, penalties incurred, and proceedings pending under the last mentioned Act.

Registration of Hackney Carriages.

Carriages to be annually registered.

II. Every Hackney Carriage, within the Town and Suburbs of Calcutta, shall be annually registered by a Registering Officer, who shall be appointed for the purpose by the Government, and who shall keep a Register in which he shall enter every Hackney Carriage, under either the first, the second, or the third Class.

Registering Officer to be under the control of the Commissioner of Police.

Every act, matter, or thing done by the Registering Officer, under or by virtue of this Act, shall be subject to the order, disposition, and control of the Commissioner of Police, so far as the Town and

Suburbs of Calcutta are concerned; and in respect of other Towns and places, of such other Officer as the said Lieutenant-Governor shall in that behalf appoint

Time and duration of registry.

III. The year of registration shall commence on the first day of April of each year; and every registration made on any date within such year of registration shall be in force to the end thereof and no longer.

License to be delivered to owner.

The Registering Officer shall, at the time of registration, deliver a license to the owner of every Hackney Carriage registered as aforesaid. Such license shall contain the particulars hereinafter described, and shall be in force for the year of registration and no longer.

Application for registry.

IV. The owner of any Carriage, who is desirous of registering it as a Hackney Carriage, must apply to the Registering Officer, stating the Class in which he desires that the Carriage may be registered; and he shall submit the Carriage for the inspection of the Registering Officer at such convenient time and place as the said Officer shall appoint.

Application may be granted or refused.

The Registering Officer shall, on examination of the Carriage, decide whether the Carriage is fit to be registered in the Class applied for, and shall accordingly either register it in that Class, or refuse to grant the application. The person in whose name any Carriage is registered shall be deemed the owner of such Carriage for the purposes of this Act.

What Carriages to be registered under First Class.

Provided that no Carriage shall be registered under the First Class, unless the same belong to a Coach Builder, Hotel-keeper, or Livery Stable-keeper, and do not ply for hire in the public streets.

Form of Register and License.

V. The following particulars shall be entered in the Register and shall be specified in the license to be given to the owner:—

1*st*.—The class and the number assigned to the carriage in the Register.

2*nd*.—The name and residence of the owner of the carriage.

3*rd*.—The number of horses to be employed in drawing such carriage.

4*th*.—The number of persons the carriage is licensed to carry.

VI. A fee of three Rupees shall be paid for each registration of a Carriage of the First Class, and a fee of two Rupees for each registration of a Carriage of the Second or Third Class under this Act.

Fee for registration.

VII. The Registering Officer may at his discretion compound, for any period not exceeding one year, with Livery Stable-keepers and other persons keeping Carriages of the First Class for hire, for a certain sum to be paid in lieu of all fees payable during that period for the registration of such Carriages.

Registering Officer may compound with owners of First Class Carriages.

VIII. The Registering Officer may cancel the registration of any Carriage under this Act, whenever it shall appear to him that such Carriage, or any Horse or Harness used with such Carriage, is unfit for public use, due regard being had to the Class in which such Carriage is registered.

Registry may be cancelled when Carriage is unfit for use.

IX. Whenever any change shall take place in the ownership of a Hackney Carriage, if the person to whom such Carriage shall have been transferred shall desire to use it as a Hackney Carriage, he shall before so using it, give to the Registering Officer notice in writing of such transfer, and of his name and place of abode. If any such person shall, before giving such notice as aforesaid, use such Carriage as a Hackney Carriage, he shall be liable to fine not exceeding five Rupees for every day during which he shall so use the same.

Notice to be given on change of ownership.

X. Whenever the owner or driver of a Carriage registered under this Act shall change his residence, he shall give notice thereof in writing signed by him to the Registering Officer, specifying in such notice his new residence. Every such owner

Owners and drivers of Carriages to give notice of change of residence.

or driver who shall change his residence, and shall neglect for one week to give such notice, shall be liable to a penalty not exceeding ten Rupees.

Registrar to enter change of residence or ownership without fee.

XI. The Registering Officer, on receiving the notices specified in either of the two last preceding Sections, shall make the necessary alteration in the Register, and no fee shall be chargeable in respect thereof.

Penalty for not registering.

XII. Whoever keeps, or is the proprietor of, any Carriage required by this Act to be registered, and shall omit to have the same so registered, shall be liable to a fine not exceeding one hundred Rupees Any Police Officer may seize and remove to a Police Station such Carriage, together with the Horse or Horses drawing the same. If the carriage so seized be not claimed, and if any fine imposed be not paid, within ten days, such Carriage, together with the Horse or Horses seized with it, may be sold by auction, and the proceeds applied to the payment of the fine, and all costs and charges incurred on account of the detention and sale, and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be forfeited to the Government.

Plate on Hackney Carriage.

A plate, specifying Class and number, to be affixed to Carriage.

XIII. Upon the registration of any carriage in the Second or Third Class, the Registering Officer shall provide a plate bearing the Class and the number of such Carriage in the Register, and the number of persons it is licensed to carry, and shall cause such plate to be affixed on such conspicuous part of the outside of such Carriage as shall to the said Registering Officer seem proper.

Penalty for letting Carriage without having proper plate.

XIV. If any Carriage shall be let or used for hire without having a proper plate duly affixed as required by the preceding Section, the owner thereof shall be liable to a penalty not exceeding fifty Rupees.

XV. Whenever the writing on any plate shall become obliterated or defaced, so that the same shall not be distinctly legible, and also whenever any plate shall be proved to the satisfaction of the Registering Officer to have been lost or mislaid, the owner of the Carriage on which such plate was affixed shall deliver such plate (if he shall have the same in his possession) to the Registering Officer and shall be entitled to have a new plate affixed, upon payment of such sum of money, not exceeding three rupees, as the Registering Officer shall from time to time appoint: Provided that if any plate, which shall have been proved as aforesaid to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such plate as last aforesaid shall be or come, and who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every registered owner who shall use, or permit to be used, any plate after the writing thereon shall have become obliterated, defaced, or obscured, so that the same shall not be distinctly legible, shall, for every such offence, be liable to a penalty not exceeding fifty Rupees.

Owner entitled to have new plate, on loss or obliteration of former one.

Lost plate, if found, to be delivered to Registering Officer.

XVI. On the expiration or other determination of the registration, the owner of any Carriage registered as aforesaid shall cause the plate of such Carriage to be delivered to the Registering Officer. Any person who, after the expiration of the period aforesaid, shall wilfully neglect for three days to deliver the plate to the said officer, and every person who shall retain any plate affixed in respect of a registration which is no longer in force, shall, for every such offence, be liable to a penalty not exceeding one hundred Rupees. It shall be lawful for the Registering Officer, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up a plate within twelve calendar months after the expiration of the registration in respect of which such plate was affixed.

Penalty on owner for not delivering up plate on expiration of registration.

XVII. Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act, shall, for every such offence, be liable to a penalty not exceeding two hundred Rupees; and it shall be lawful for any Police Officer, or any person employed for that purpose by the Registering Officer, to seize and take away any plate, used or had as aforesaid, wheresoever the same may be found, and to deliver the same to the Registering Officer.

Penalty for fraudulently using counterfeit plate.

Driver's License.

XVIII. It shall be lawful for the Registering Officer to grant a license to act as driver of Hackney Carriages to any person who shall apply for the same and to whom it may seem proper to the said Officer to grant it: Provided that no person shall be so licensed who is under fourteen years of age. In every such license shall be specified the number of the license, and the name and place of abode, and age of the person to whom such license is granted. Every license shall bear date on the day on which the same shall be granted, and shall continue in force for one year from the date thereof, unless the same shall be sooner revoked. And for each such license a fee of two Rupees shall be paid.

Drivers of Hackney Carriages to be licensed. Particulars thereof.

XIX. If any person shall act as the driver of a Hackney Carriage, without having a license in force for the time being, or, having a license, shall transfer or lend the same, or allow the same to be used by any other person, he shall be liable to a penalty not exceeding twenty Rupees, and in default of payment to imprisonment for a period not exceeding one month.

Penalty on driver not having license or lending license.

XX. Any owner who shall knowingly suffer any person, not duly licensed under this Act, to act as driver of any Carriage registered under this Act, of which he shall be the owner, shall be liable to a penalty not exceeding one hundred Rupees for every such offence. Provided that such owner so employing or know-

Penalty on owner for suffering unlicensed person to act as driver.

ingly suffering to act as driver any person who has not been duly licensed under this Act shall, and such unlicensed driver shall, be subject to all the powers, provisions, penalties, and proceedings of and under this Act, for any act done or omitted to be done by such driver during such employment, in like manner as if such driver had been duly licensed.

Certified copies of the particulars of license to be given on payment of fee.

XXI. The particulars of every license, which shall be granted under the provisions of this Act, shall be entered in books to be kept for that purpose at the office of the said Registering Officer, and every person applying shall, at all reasonable times, be furnished with a certified copy of such particulars on payment of a free of two annas.

Driver's Ticket.

Driver to wear a metal ticket.

XXII. The Registering Officer shall, at the time of granting a license to any driver of a Hackney Carriage of the Second or Third Class, deliver a metal ticket, upon which shall be marked or engraved a number corresponding with the number of his license. Every driver to whom such ticket is delivered, shall, at all times while acting as driver, or while attending before any Magistrate, carry such ticket exposed to view. In case any such driver shall omit to wear such ticket exposed to view while acting as driver or attending before a Magistrate, he shall be liable to a penalty not exceeding ten Rupees, and in default of payment to rigorous imprisonment for a period not exceeding one month.

Driver entitled to have new ticket on loss or obliteration of former one.

XXIII. Whenever the writing on any ticket shall become obliterated or defaced so that the same shall not be distinctly legible, and also whenever any ticket shall be proved to the satisfaction of the Registering Officer to have been lost or mislaid, the person to whom the license relating to any such ticket shall have been granted shall deliver such ticket (if he shall have the same in his possession), and shall produce such license to the Registering Officer, and such person shall then be entitled to have a new ticket delivered to him, upon payment of such sum of money, not

exceeding one Rupee, as the Registering Officer shall from time to time appoint: Provided, always, that if any ticket, which shall have been proved as aforesaid to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such ticket as last aforesaid shall be or come, who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every person licensed under the authority of this Act, who shall use or wear the ticket granted to him after the writing thereon shall be obliterated, defaced, or obscured, so that the same shall not be distinctly legible, shall, for every such offence, be liable to a penalty not exceeding twenty Rupees.

Penalty for neglecting to deliver up ticket, lending ticket, &c.

XXIV. Upon the expiration or other determination of any license granted to a driver under this Act, such driver shall deliver such license, and the ticket relating thereto, to the said Registering Officer; and every such driver who, after such expiration or determination as aforesaid, shall wilfully neglect for three days to deliver the same to the said Officer, and also every person who shall use, or wear, or detain, any ticket which shall have ceased to be in force, or other than such as shall have been delivered to him under the provisions of this Act, and every person to whom any ticket shall have been delivered as aforesaid, who shall lend such ticket to any other person, and every person who shall wear or use the ticket of any other person, shall, for

hundred Rupees. And it shall be lawful for any Police Officer, or any person employed for that purpose by the Registering Officer, to seize and take away any such ticket, or any ticket used for the purpose of deception as aforesaid, wheresoever the same may be found, and to deliver the same to the Registering Officer.

Conviction to be endorsed on driver's license. Penalty for failing to produce.

XXVI. Whenever any driver shall be summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his license, and produce the same if required so to do; and any driver who shall on such requisition fail to produce such license shall for every such offence be liable to a fine not exceeding five Rupees. It shall be lawful for any Magistrate, on conviction of any driver of any offence under this Act, to endorse on such license the nature of the offence, the date of the conviction, and the amount of the penalty inflicted.

Revocation or suspension of driver's license on his conviction of any offence.

XXVII. It shall be lawful for any Magistrate before whom any driver shall be convicted of any offence, whether under this Act or under any other Act, to revoke the license of such driver, or to suspend the same for such time as the Magistrate shall think proper, and for that purpose to require the driver, or any other person in whose possession such license and the ticket thereto belonging shall then be, to deliver up the same; and every driver or other person who, being so required, shall refuse or neglect to deliver up such license and such ticket, or either of them, shall be liable to a penalty not exceeding twenty Rupees, so often as he shall be so required and refuse or neglect as aforesaid: and the Magistrate shall immediately send every license and every ticket delivered up to him under this Section to the Registering Officer, who shall cancel such license if it has been revoked by the Magistrate, or, if it has been suspended, shall at the end of the time for which it shall have been suspended, re-deliver such license with the ticket (if it shall have come into the possession of the Registering Officer) to the person to whom it was granted.

Fares—Hiring—and plying for Hire.

XXVIII. The owner or driver of every Hackney Carriage registered in the Second or Third Class shall be entitled to demand and take for the hire of such Carriage the fares set forth in the Schedule (A) to this Act annexed: Provided always, that when the owner or driver of any such Hackney Carriage, to be paid a fare calculated according to the distance, shall be required by the hirer thereof to stop such Carriage for any time or times amounting altogether to not less than fifteen minutes, it shall be lawful for the owner or driver to demand and receive from the hirer so requiring him to stop a further sum (above the fare to which he shall be entitled, calculated according to the distance) of one-fourth of the rate for one hour, for every fifteen minutes, that he shall have been so stopped; and no owner or driver shall demand or receive, over and above the said fare, any sum for back fare for the return of the Carriage from the place at which it was discharged: Provided, also, that nothing in this Act contained shall prevent any driver or owner from being bound by any contract into which he may enter, to receive payment at a rate lower than that fixed by this Act.

Fares to be paid for Carriages of the Second and Third Class.

XXIX. The owner of every Hackney Carriage of the Second or Third Class shall put up, and at all times keep distinctly printed, painted, or marked in the English, Oordoo, and Bengalee languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such Carriage, the amount of fare according to distance and time which may legally be demanded and taken from the hirer of such Carriage as a Hackney Carriage; and the owner of every such Carriage who shall fail to comply with the provision of this Section, shall, for each offence, be liable, on conviction, to a fine not exceeding ten rupees.

Owner to keep table of fares inside Carriages of Second and Third Class.

XXX. The driver of every Carriage of the Second and Third Class registered under this Act, shall (unless he have a reasonable excuse to be allowed by the Magistrate before whom the matter

To what distance and at what rate of speed driver to be bound to drive.

shall be brought in question) drive such Carriage to any place to which he shall be required by the hirer thereof to drive the same not exceeding six miles from the place where the same shall have been hired. Provided, always, that when any such Carriage shall have been hired by time, the driver thereof shall drive the same at a rate not less than four miles within one hour; and if the driver of such Carriage shall be required to drive more than four miles within one hour, then in every such case the driver thereof shall be entitled to demand, in addition to the fare regulated by time in Schedule (A) to this Act annexed, for every mile or any part thereof exceeding four miles, the fare regulated by distance as set forth in the same Schedule. Any such driver who shall not drive his Carriage at the rate required as aforesaid, except in cases of unavoidable delay, or who shall refuse or omit to drive the same to any place within the limits aforesaid to which he may be required to drive by the hirer, shall be liable to a penalty not exceeding ten Rupees, or, in default, to rigorous imprisonment for a period not exceeding one month.

First and Second Class Carriage to carry reasonable quantity of luggage.

XXXI. The driver of every First and Second Class Carriage registered under this Act, shall carry in or upon such Carriage a reasonable quantity of luggage for every person hiring such Carriage, without any additional charge.

Penalty for refusing to let a Carriage for hire.

XXXII. Any owner or person in charge of any Hackney Carriage registered under this Act, who shall without sufficient reason refuse to let such Carriage for hire, shall be liable on conviction to a fine not exceeding fifty Rupees, and to pay such further sum by way of compensation to the party complaining as to the Magistrate who shall hear the case may seem just; and such further sum shall, in default of immediate payment, be levied in the mode provided for the levying of fines under this Act. And when any such Hackney Carriage shall be standing on any premises, which under this Act may have been declared to be a public Stand, the owner of the said premises shall be deemed to be the person in charge of such Hackney Carriage within the meaning of this Section.

XXXIII. Every driver of a Hackney Carriage who shall be drunk during his employment, or make use of insulting or abusive language or gesture; or who shall (elsewhere than at some Stand or other place appointed for the purpose) stand or loiter, for the purpose of being hired, in or upon any public street, road, or place; or who shall suffer his Carriage to stand for hire across any street, or alongside of any other Carriage, or who shall refuse to give way (when he reasonably and conveniently may do so) to any other Carriage; or who shall wilfully obstruct, or hinder, the driver of any other Carriage in taking up or setting down any person into, or from, such other Carriage; or who shall wrongfully prevent, or endeavour to prevent, the driver of any other Carriage from being hired; or who shall demand or take more than the proper fare to which he is legally entitled; or who shall refuse to admit and carry in his Carriage the number of persons painted or marked on such Carriage or specified in the Register, or who shall carry more than such number of passengers; or who shall refuse to carry by his Carriage a reasonable quantity of luggage as provided for by this Act; or who, being hired by time, shall, before he has been discharged by the hirer, desert from the hiring; or who shall ply for hire with any Carriage or Horse which shall be at the time unfit for public use—shall be liable to a penalty not exceeding ten Rupees, and, in default of payment, to rigorous imprisonment for a period not exceeding one month.

Penalty in case of drunkenness or misconduct of driver in loitering, refusing to be hired, demanding more than his fare, &c.

XXXIV. Any driver employed as such by the owner of any Carriage registered under this Act, who shall without sufficient excuse refuse or neglect to attend at the premises of such owner for the purpose of driving any such Carriage, whereby such owner is prevented from letting out the same, shall, on complaint by such owner, be liable, for each offence, to a fine not exceeding ten Rupees (which, or any part of which, may, by order of the Magistrate, be paid to the owner as compensation), and in default of payment, to rigorous imprisonment for a term not exceeding one month.

Penalty on drivers absenting themselves from their employment.

XXXV. When a complaint is made before a Magistrate against the driver of a Carriage registered under this Act for any offence committed by him against the provisions of this Act, such Magistrate may forthwith summon the owner of the Carriage personally to appear, and to produce the driver of such Carriage to answer the complaint. If such owner, being duly summoned, shall, without a reasonable excuse, neglect or refuse personally to appear, or to produce the driver, according to such summons, he shall be liable to a penalty not exceeding fifty Rupees, and so from time to time as often as he shall be so summoned, until such driver shall be produced by him. Provided that, if such owner shall, without a reasonable excuse, neglect or refuse to appear and produce such driver on the second or any subsequent summons requiring him so to do, it shall be lawful for the Magistrate to proceed to hear and determine the complaint in the absence of the owner and driver or either of them.

Proprietors of Carriages may be summoned to appear and produce the drivers.

XXXVI. If any person who shall have hired a Carriage registered under this Act, shall refuse to pay to the owner or driver thereof, on demand, the fare payable under this Act, it shall be lawful for the Magistrate who shall hear the case to order payment of such fare, and also of such compensation for loss of time as shall seem reasonable: and, in default of payment, such fare and compensation may be recovered in the same way as fines are recoverable under this Act: and if any hirer who shall have used any such Carriage, shall attempt to evade payment of his fare, he shall be liable, on conviction, to a fine not exceeding fifty Rupees, or to imprisonment for a period not exceeding one month, in addition to the payment of such fare and compensation as hereinbefore mentioned.

Penalty for refusing to pay legal fare and evading payment thereof.

XXXVII. Any person who shall maliciously or knowingly tear, destroy, or remove any table of fares which shall have been put up under the provisions of Section XXIX of this Act, shall be liable on conviction to a fine not exceeding twenty Rupees, and any portion of

Penalty for destroying, &c., table of fares.

such last mentioned fine may be awarded to the owner of the Hackney Carriage to which such table of fares shall have been affixed.

Penalty for wilful injury to Carriage.

XXXVIII. Any person using a Carriage registered under this Act, who shall wilfully injure the same, shall be liable on conviction to a fine not exceeding twenty Rupees, and shall also pay to the owner of the Carriage compensation for the injury. The amount of such compensation shall be determined by the convicting Magistrate, and may be recovered in the same way as fines are recoverable under this Act.

Disputes how to be settled.

XXXIX. In case of any dispute between the hirer and driver of any Hackney Carriage of the Second or Third Class, registered under this Act, the hirer may, if any Magistrate be then sitting require the driver to drive to the Court of such Magistrate; and if any driver shall refuse to obey such requisition, it shall be lawful for the hirer to give such driver into the custody of the nearest Police Officer. Such Police Officer shall thereupon take the driver and hirer, together with the Carriage and Horses, to such Court, and the then sitting Magistrate shall, in either of the cases aforesaid, hear and determine the dispute in a summary way.

Table of Distances signed by Registering Officer conclusive.

XL. In the case of disputes as to the fare to be calculated according to the distance, any table or book signed by the Registering Officer shall, on proof of such signature, be taken to be conclusive evidence of all the distances therein stated to have been ascertained by the said Officer.

Second and Third Class Carriages may ply as Stage Carriages.

XLI. It shall be lawful for any Hackney Carriage of the Second or of the Third Class to ply for hire as a Stage Carriage. The owner or driver of a Carriage so plying for hire, or hired as a Stage Carriage, shall not be subject to the provisions of Section XXVIII of this Act, but shall be entitled to demand and take for the hire of such Carriage, such fares as shall be agreed upon between him and the several hirers respectively. All

the other provisions of this Act shall be applicable to the case of a Hackney Carriage plying as a Stage Carriage, so far as the same shall be applicable in each particular instance.

Stands to be fixed.

XLII. The Registering Officer shall from time to time, appoint one or more Stands in the Town and Suburbs of Calcutta for carriages registered under this Act, and may also assign for the use of such Carriages, as public Stands, any Coach Houses, or Stables or Sheds, or other suitable places. Every public Stand so appointed or assigned shall have a board affixed in a conspicuous place in front thereof, containing a notice in the English, Oordoo, and Bengalee languages, that the Stand is a public Stand under this Act.

Palankeens.

Registration of Palankeens.

XLIII. Every Palankeen plying for hire within the Town or Suburbs of Calcutta shall be annually registered by the Officer appointed for registering Hackney Carriages at the time, and in the manner hereinbefore provided with respect to the registration of Hackney Carriages; and upon each registration a fee of eight annas shall be paid: Provided that the Registering Officer may refuse to register any Palankeen, or may cancel the registration thereof, whenever it may appear to him to be unserviceable or unfit for public use.

What Register shall contain.

XLIV. The following particulars shall be entered in the Register, namely, the number of the Palankeen, and the name and residence of the owner; and every change of ownership or residence shall be notified to the Registering Officer, subject to the same provisions and penalties in default as are provided in the case of the owners of Hackney Carriages.

Number must be painted on Palankeen.

XLV. The owner of every registered Palankeen shall cause the registered number thereof to be painted in English and Bengalee figures on a

conspicuous part thereof. The owner of any Palankeen plying for hire without being registered or having the number affixed thereto as aforesaid, shall be liable to a penalty not exceeding ten Rupees. The person in whose name a Palankeen is for the time being registered, shall be deemed the owner thereof for the purposes of this Act.

Penalty in case of neglect to register, or omission to have number painted.

XLVI. The owner of every Palankeen shall put up, and at all times keep distinctly printed, painted, or marked, in the English, Oordoo, and Bengalee languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such Palankeen the amount of fare, according to distance and time, which may be legally demanded and taken from the hirer of such Palankeen.

Table of Fares must be exhibited in Palankeen.

XLVII. The owner or person in charge of every Palankeen shall be entitled to demand and take for the hire of such Palankeen the fares set forth in the Schedule (B) to this Act annexed. Provided that, when the owner or person in charge of any such Palankeen to be paid a fare calculated according to the distance, shall be required by the hirer thereof to stop such Palankeen for fifteen minutes, or for any longer time, it shall be lawful for the owner or person in charge to demand and receive from the hirer so requiring him to stop, a further sum (above the fare to which he shall be entitled, calculated according to the distance) of one-fourth of the rate for one hour, for every fifteen minutes that he shall have been so stopped; and no owner or person in charge shall demand or receive, over and above the said fare, any sum for back hire for the return of the Palankeen from the place at which it was discharged: Provided, also, that nothing in this Act contained shall prevent any owner or person in charge from being bound by any contract into which he may enter, to receive payment at a rate lower than that fixed by this Act.

Fares for Palankeens.

Registry of Palankeen bearers, and provisions relating to them.

XLVIII. It shall not be lawful for any person to act as the bearer of a registered Palankeen, unless such person shall have obtained a license from the Registering Officer in manner hereinbefore prescribed for drivers of Hackney Carriages; and all the provisions of this Act in any way relating to the taking out, granting, renewing, or producing the licenses, or to the issuing, granting, wearing, or using tickets granted to drivers of Hackney Carriages, shall be applicable in like manner to the bearers of Palankeens. For every license to act as a Palankeen bearer, granted under this Act, there shall be paid a fee of eight annas.

To what distance and at what rate of speed bearers of Palankeen bound to go.

XLIX. The bearers of every Palankeen registered under this Act shall (unless they have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) carry such Palankeen to any place to which they shall be required by the hirer thereof to carry the same, not exceeding five miles from the place where the same shall have been hired. If such Palankeen shall have been hired by time, the bearers thereof may be required to carry it at any rate not exceeding two and a half miles within one hour. Whenever the bearers of such Palankeen shall be required to carry it more than two and a half miles within one hour, they shall be entitled to demand, in addition to the fare regulated by time in the said Schedule (B), for every mile or any part thereof exceeding two and a half miles, the fare regulated by distance as set forth in the same Schedule. All and every the provisions of this Act, as to offences committed by or against the owners and drivers of Hackney Carriages, and the penalties in respect of the same and recovery thereof, and all the remedies by or against hirers, owners, or drivers of Hackney Carriages, and all and several the remedies given to hirers, owners, and drivers of Hackney Carriages, except the provision contained in Section XXXV, shall be applicable, so far as the same may reasonably be applied, to the owners and bearers of Palankeens.

Miscellaneous.

L. The driver of every Hackney Carriage and bearer of every Palankeen within the limits of this Act, wherein any property shall be left by any person, shall, within twenty-four hours, carry such property, if not sooner claimed by the owner thereof, to the nearest Police Station, and shall there deposit and leave the same with the Inspector or other Officer on duty. And any such driver or bearer making default herein, shall be liable to a penalty not exceeding fifty Rupees. And the said Officer with whom any such property shall be deposited, shall forthwith enter in a book, to be kept for that purpose, the description of such property, and the name and address of the driver or bearer who shall bring the same, and the day on which it shall be brought, and the property so entered shall be returned to the person who shall prove to the satisfaction of the Commissioner of Police that the same belonged to him, such person previously paying all expenses incurred, together with such reasonable sum to the driver or bearers who brought the same as the said Commissioner shall award. Provided always that, if such property shall not be claimed by and proved to belong to some one within one year after the same shall have been deposited, the said Commissioner shall cause such property to be sold or otherwise disposed of, and the proceeds, after deducting the expenses, together with a reasonable sum to the driver or bearers, shall be applied in the same manner as fees and penalties received under this Act.

Property left in Carriages or Palankeens to be deposited at the Police Office.

LI. All complaints as to offences against this Act shall be heard and determined by a Magistrate within whose local jurisdiction the offence may be alleged to have been committed: and the provisions for the recovery of fines contained in Section LXI of Act XXV of 1861 (*the Code of Criminal Procedure*) shall apply to all fines and penalties imposed under this Act by any Magistrate in the Suburbs of Calcutta or in any Town or place to which this Act shall be extended, as hereinafter provided; and the provisions of Act IV of 1866 passed by the Lieutenant-Governor of Bengal in Council, entitled "the Calcutta Police Act, 1866," or any other

Adjudication of penalties.

Act for regulating the Police of the Town of Calcutta in force for the time being, shall apply to all fines and penalties imposed under this Act by any Magistrate of Police for the Town of Calcutta. All penalties and fees to be levied under this Act shall be disposed of in such manner as the Lieutenant-Governor of Bengal, from time to time, shall direct.

Disposal of penalties and fees.

LII. In every case in which any complaint of any offence under this Act shall be laid or made before any Magistrate and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for making the complaint, the Magistrate shall have power to award such amends, not exceeding twenty Rupees, to be paid by the complainant to the person complained against, or to the owner of a Carriage, if summoned under Section XXXV of this Act, or to both, for their loss of time and expenses in the matter, as to the Magistrate shall seem meet. Such amends shall be recoverable in the manner provided for levying fines under this Act.

Amends for frivolous complaints.

LIII. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say):—

Interpretation.

The word "Magistrate" in this Act shall mean any Magistrate of Police for the Town of Calcutta, and any person lawfully exercising the full powers of a Magistrate in the Suburbs of the said Town or in any Town or place to which this Act shall be extended, as hereinafter provided, and any Assistant to a Magistrate or Deputy Magistrate specially authorized by Government to exercise in the said Suburbs, Town, or place, the powers vested by this Act in a Magistrate.

"Magistrate."

The words "Hackney Carriage" in this Act shall mean any Carriage used or intended to be used for conveying passengers for hire from any place in the Town of Calcutta or the Suburbs thereof: Provided

"Hackney Carriage."

always that the term "Hackney Carriage" shall not include any Carriage used wholly upon any Railway.

"Stage Carriage." The words "Stage Carriage" in this Act shall mean any Hackney Carriage, the passengers in which shall be charged, or shall pay, separate and distinct fares, or shall be charged, or pay, at the rate of separate and distinct fares, for their respective places or seats therein, or conveyance thereby.

"Horse." The term "Horse" shall include Mules and Ponies.

Number. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include the feminine.

Power to extend the Act. LIV. It shall be lawful for the Lieutenant-Governor of Bengal by a notification to be published in the *Calcutta Gazette*, to extend the provisions of this Act to any other Towns or places within the Provinces under his control.

SCHEDULE (A)—(*referred to in Section XXVIII.*)

Rates and Fares to be paid for Hackney Carriages of the Second and Third Classes.

Description of Carriage.	Fare by Distance.		Fare by Time.			
	For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day, or five hours.	For a whole day consisting of nine hours.
Second Class	6 Annas ...	After the rate of 4 Annas for every mile and for any part of a mile over and above any number of miles completed.	12 Annas ...	6 Annas ...	2 Rupees ...	3 Rupees.
Third Class ...	3 Annas ...	After the rate of 2 Annas for every mile and for any part of a mile over and above any number of miles completed.	6 Annas ...	3 Annas ...	1 Rupee ...	1 Rupee 8 Annas.

The above Fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the Fare to be paid according to time.

SCHEDULE (B)—(*referred to in Section XLVII.*)

Rates and Fares to be paid for Palankeens.

Fare by Distance.		Fare by Time.			
For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day, or five hours.	For a whole day consisting of nine hours.
3 Annas	After the rate of 3 Annas for every mile and for any part of a mile over and above any number of miles completed.	6 Annas	3 Annas	1 Rupee	1 Rupee 8 Annas.

The above Fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed the Fare to be paid according to time.

BENGAL SECRETARIAT LIBRARY

ACT No. VI OF 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 29th March* 1866, *and of the Governor-General on the 2nd April* 1866.)

An Act to amend Act VI of 1863 *passed by the Lieutenant-Governor of Bengal in Council* (*An Act to vest the property of the Town of Calcutta and the management of its Municipal Affairs in a Corporation, and to make better provision for the Conservancy and Improvement of the Town and for levying Rates and Taxes therein*).

Preamble.

WHEREAS it is expedient to amend Act VI of 1863 passed by the Lieutenant-Governor of Bengal in Council; It is enacted as follows:—

Certain Sections of Act VI of 1863 repealed.

I. Sections XIX, XXXVIII, XL, XLIV, LIII, LVIII, LIX, LXI, LXIII, LXIV, LXXIV, LXXVII, XCVIII, CXXI, CXLV, CXLVII, CLV, and CLXXXIII, of the said Act VI of 1863, are hereby repealed.

Interpretation of "Bazar."

II. The word "Bazar" shall include any place of trade where there is a collection of shops or warehouses and any place where a market is held.

Price 2 annas.

III. There shall be four Quarterly Meetings in every year, and one Ordinary Meeting in every month, at which the Justices shall meet for the transaction of general business. The Quarterly Meetings shall be held at eleven o'clock in the forenoon of the fifteenth day of the months of January, April, July, and October, and the Ordinary Meetings at the same hour on the eleventh day of every month; and if any such day shall happen to be a holiday allowed by Government, then on the next succeeding day which shall not be such a holiday. Provided that no Ordinary Meeting need be called if there be no business to be laid before it by the Chairman or by any of the Justices.

Time for holding Quarterly and Ordinary Meetings.

IV. The Justices shall, at a Special Meeting to be convened for that purpose within fifteen days after this Act comes into operation, or at some adjournment thereof, fix and determine the kind of business that may be transacted at the said Ordinary and Quarterly Meetings: and no business save such business shall be transacted at such Meetings: provided nevertheless that it shall be lawful for the Chairman to postpone the discussion of any question that may be raised at any such Meeting, and to refer the determination thereof to a Special or Special General Meeting to be convened within fourteen days thereafter.

Business at Ordinary and Quarterly Meetings of Justices.

V. The owner of every carriage, horse, pony, or mule kept within the Town shall, on or before the first day of January and the first day of July in each year, forward to the Office of the Justices a statement in writing signed by him, containing a description of the vehicles and animals liable to the tax for which he desires to take out a license. The owner shall at the same time pay to the Justices such sum as shall be payable by him for the half-year commencing on the first day of January or July (as the case may be) for the vehicles and animals specified in such statement, according to the rates given in Schedule A. to the said Act annexed. Any person becoming possessed between the first day of January and the first day of July, or between the first day

Owners of Carriages, &c., to take out license.

of July and the first day of January, of a carriage, horse, pony, or mule so kept, shall, within a week of becoming so possessed, send to the Office of the Justices a similar statement, together with the amount payable for the unexpired portion of the then current half-year, calculated, according to the said Schedule, from the first day of the month in which such payment shall be made, unless he shall be able to prove to the satisfaction of the Justices that the tax for the half-year has previously been paid.

Penalty for keeping a carriage, &c., without license.

VI. If the owner of any carriage, horse, pony, or mule so kept as aforesaid, shall not have duly taken out a license under Section XXXIX of the said Act, he shall, on conviction before a Justice of the Peace, be liable to a fine not exceeding three times the tax which would have been payable for the entire half-year.

Registry and numbering of hackeries.

VII. Every cart, hackery, and other wheeled vehicle without springs, kept and used within the Town, and every cart, hackery, and other such vehicle plying for hire within the Town, or let for hire within or without the Town, and used within it, shall be registered in the Office of the Justices with the name and residence of the owner, and shall have affixed thereto the number of such registration in such manner as the Justices shall direct. Any owner or driver of such cart, hackery, or other wheeled vehicle without springs, who shall fail to affix the number of registration as aforesaid, shall be liable to a fine not exceeding five Rupees. Provided that this Section shall not apply to or include carts, hackeries, or other such vehicles as aforesaid, kept at any place more than eight miles distant from Government House, and used only temporarily and casually in the Town, or to Conservancy carts, hackeries, or other such vehicles belonging to the Justices.

Duty on professions, trades, and callings, commenced after the beginning of the fiscal year.

VIII. Whereas by Section XLVII of the said Act VI of 1863, persons exercising the professions, trades, and callings specified in Schedule B, are liable to the annual duties therein mentioned: and whereas it is expedient, in cases of

persons commencing the exercise of such professions, trades, or callings, after the commencement of the fiscal year, to assess them to a proportionate part only of the annual duty; Be it therefore enacted that where any person, after the passing of this Act, shall commence to exercise any of the said professions, trades, or callings, after the first day of January in any year, he shall, for his license for that year (to be obtained previous to his so commencing such profession, trade, or calling) be liable to pay only such portion of the annual sum mentioned in the said Schedule, as shall be proportionate to the unexpired portion of the year, calculated from the first day of the month in which such payment shall be made.

Penalty for not taking out a license for exercising certain trades, &c.

IX. If any person within the Town shall exercise his profession, trade, or calling, without having duly taken out a license as required by Section XLVII of the said Act, he shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding three times the amount, which, in the judgment of such Justice of the Peace, would have been payable by such person in respect of a license duly taken out as aforesaid for the entire year.

Assessment of lighting rate.

X. Whereas it is expedient to make better provision for the assessment of the rate for lighting the public streets: Be it enacted that it shall be lawful for the Justices to assess upon the occupiers of all houses, buildings, tenements, huts, and premises, within the limits of this Act, an annual lighting rate not exceeding two per centum upon the annual rent or value of such premises, together with their appurtenances. And such rate shall be payable quarterly.

Supply of water.

XI. The Justices shall cause to be laid down in each street, lane, and throughfare of the Town, or any division or portion thereof, sufficient mains and pipes for the supply of water in such street, lane, or through-

fare, and shall also erect in every such street, lane, and thoroughfare, sufficient and convenient stand-pipes for the gratuitous use of the rate-payers. The said stand pipes shall be so placed that there shall not be a greater interval than one hundred yards between any such stand-pipes, and such stand-pipes shall at all times be kept charged with water.

Notification of supply being complete.

XII. When the Justices shall have carried out a system for the supply of water to the Town, or to any division or portion thereof, including such convenient mains and stand-pipes as aforesaid, and such system shall in the judgment of the Justices be complete, the Justices shall, with the sanction of the Lieutenant-Governor of Bengal, declare, by notification published in the *Calcutta Gazette*, that the supply is complete within the Town or any such division or portion thereof.

Water-rate may be assessed.

XIII. After it has been so notified as aforesaid that the water-supply in any district has been completed, it shall be lawful for the Justices to assess a rate upon all occupied houses and premises within such district. The said rate shall not exceed four per centum upon the annual value of the said houses and premises, and shall be ascertained and fixed in the manner and payable at the times provided by the said Act VI of 1863 and by this Act.

Householder entitled to supply of water for domestic use.

XIV. Every householder assessed to and paying the water-rate shall be entitled to have, free of further charge or assessment in respect of the same, a supply of water from the mains and pipes of the Justices for the domestic use of himself and his household.

Communication-pipes, &c., to be made of required dimensions and at expense of householder.

XV. Every person assessed to and paying the water-rate shall be entitled to lay down communication-pipes from the mains and pipes of the Justices, for bringing into his house a proper and sufficient supply of water for

domestic purposes. The communication-pipes leading the water from the mains and pipes of the Justices into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions, and material, as the said Justices or their proper officer in that behalf shall fix and approve, and shall be made and constructed at the expense of the person requiring the same.

What are domestic purposes.

XVI. A supply of water for domestic purposes shall not include a supply of water for horses or for washing carriages where such horses or carriages are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains, or for any ornamental or mechanical purpose.

Supply for business.

XVII. It shall be lawful for the Justices to supply water, at a rate not exceeding one rupee for every two thousand gallons supplied, for other than domestic purposes, and for trade, manufacturing, business, ornamental, or mechanical purposes, provided the person requiring such supply make application to the Justices in writing, specifying the purpose for which such supply is required and the quantity likely to be consumed. And the Justices may thereupon, subject to such charges or rates as may be agreed upon between themselves and the person so requiring such supply, not exceeding the rate aforesaid, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be agreed upon between the Justices and the person requiring such supply, or, in the absence of such agreement, as may be fixed by the Justices.

Communication-pipes, &c., must be made to satisfaction of Surveyor.

XVIII. The communication-pipes and works leading water from the mains and pipes of the Justices into any house or premises, must in all cases be executed subject to the inspection and to the satisfaction of the Surveyor or other Officer to be appointed in that behalf by the said Justices Such communication-pipes

and works may be made by the servants and workmen of the Justices, upon such terms as may be agreed upon between the Justices and the person requiring the supply, or subject to such charges as may be fixed by the Justices; and it shall be lawful for the Justices to require the amount necessary for the execution of such works to be paid or deposited before such works are executed; and such charges and expenses shall be recoverable in the same way as the water-rate.

Pressure at which water must be kept.

XIX. The Justices shall at all times keep and maintain in their pipes and mains a sufficient supply of pure water for the use of the rate-payers, and for the other purposes for which such supply is required; and shall at all times, between the hours of five in the forenoon and eight in the afternoon, maintain a pressure of water in the pipes and mains sufficient to raise the water in all houses and places in which the same may be introduced, to a height of not less than fifty feet, and between the hours of eight in the afternoon and five in the forenoon, to a height of not less than ten feet.

Power to enter premises.

XX. The Surveyor, or any other person acting in that behalf under the authority of the Justices, may, between the hours of nine in the forenoon and five in the afternoon, enter into any house or premises supplied with water as aforesaid, in order to examine if there be any waste or misuse of such water; and if such Surveyor or other person at any such time be refused admittance into such house or premises for the purpose aforesaid, or be prevented from making such examination as aforesaid, the Justices may turn off the water from such house or other premises.

Water may be cut off on neglect to pay the rate.

XXI. If any person supplied with water shall neglect to pay the water-rate at any of the times of payment thereof, the Justices may stop the water from flowing into the premises in respect of which such rate is payable, by cutting off the pipe to such

premises, or by such means as the Justices may think fit, and may recover the expenses of cutting off the water from such person.

Damaging works, or obstructing or diverting water.

XXII. Whoever shall wilfully or carelessly break, injure, or open any lock, cock, main, or pipe belonging to, or under the management or control of, the Justices, or constructed, continued, or maintained under this Act, or shall unlawfully flush, draw off, divert, or take water from any water-works belonging to, or under their management or control, or from any water or streams by which such water-works are supplied, shall for every such offence forfeit a sum not exceeding fifty Rupees, and a further penalty not exceeding twenty rupees for each day during which the offence is continued after written notice in that behalf.

Application of rates and monies received from the supply of water.

XXIII. All rates and monies collected, received, or recovered for, or in respect of, the supply of water or the execution of works, and all penalties or forfeitures connected therewith, or in any respect relating to the water-supply, shall be applied by the said Justices in defraying the expense of making and maintaining the said water-works, in paying the interest of money borrowed for the said water-works, and in the liquidation of debts incurred connected therewith, or for some other purpose connected with the supply of water; and if any surplus should remain thereafter, then the same shall be applied in reduction of the rates assessed for the supply of water.

Assessment may be on owner in certain cases.

XXIV. Where any house or tenement is divided into flats, rooms, or portions in the occupation of different tenants, and also in the case of all houses or tenements, the annual value whereof is less than one hundred rupees, it shall be lawful for the Justices to assess the owner or landlord of such house or tenement, although he does not himself occupy the same, and to recover from him the rates imposed thereon for lighting and water respectively.

Remission of rate on houses and lands in case of vacancy.

XXV. Where any house, building, or land, whereon the rate under Section IV of the said Act VI of 1863 is assessed, has been vacant for sixty consecutive days during any year, the person assessed to the said rate shall be entitled to a remission of so much thereof, not exceeding one-half of the rate for that year, as shall be proportionate to the number of days, such house, building, or land has been vacant as aforesaid, provided notice shall have been given in writing to the Justices of such house, building, or land being vacant; and the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

After revision, assessment book to be authenticated by the seal of the Justices.

XXVI. After the appeals specified in Section LXXIII of the said Act VI of 1863 have been disposed of, and after the revision of the valuation or measurement and assessment has been completed, the amendments, if any, made in the book required to be kept by Section LXVIII of the said Act, shall be authenticated by the seal of the Justices; and thereupon, and subject to such alterations and amendments as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the whole three years for which the assessment is made, and this period shall be calculated from the commencement of the quarter succeeding that in which any such amendment shall be so authenticated.

Rate assessed to be deemed the rate for three years.

Hearing appeals.

XXVII. Appeals against any rate assessed or demanded by the Justices under the provisions of this Act shall be heard and determined by not less than three Justices of the Peace. But no such appeal shall be heard unless the amount of the rate has been deposited with the Justices, and unless such appeal be preferred by the person who at the time the appeal is made shall be recorded in the said book as the owner of the premises to which such appeal refers, or by the occupiers thereof, or by their agents.

XXVIII. The father or mother of every child born in the Town, or in the case of the death, illness, or absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born shall, within eight days after the day of every such birth, give information to the Registrar of the District, according to the best of his or her knowledge and belief, of the several particulars by the said Act required to be known and registered touching the birth of such child. Any person, whose duty it shall be to give information to a Registrar under this Section, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding one hundred rupees.

Information of birth to be given within eight days.

XXXIX. Any person whose duty it may be to afford the information specified in Section CIV, or to fill in any form under Section CVI, or to act as an enumerator under Section CVII, of the said Act VI of 1863, who shall refuse or neglect so to do, shall be liable to a penalty not exceeding one hundred rupees. Provided that it shall be the duty of the enumerator to fill up all Schedules or Returns for those who are unable to write.

Penalty for non-observance of the provisions of Sections 104, 106, and 107, of Act VI of 1863.

XXX. The Justices, from time to time, may fix the hours within which only it shall be lawful to remove any night-soil or other offensive matter. When the Justices have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street any such offensive matter at any time, except within the hours so fixed, and also, whoever at any time, whether such hours have been fixed by the Justices or not, uses for any such purpose any cart, carriage, or other receptacle or vessel other than that approved and sanctioned by the Justices, or who slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place

Removal of night-soil.

in which any such offensive matter has been slopped or spilled, or who places or sets down in any public place any vessel containing such offensive matter, or who drives, or takes or causes to be driven or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street or by any route other than such as shall, from time to time, be by public notice appointed for that purpose by the Justices, shall be liable to a penalty not exceeding twenty rupees for each offence.

Power to shut up, secure, clear, and clean deserted houses.

XXXI. If any building or land, by reason of abandonment or of disputed ownership or other cause, shall remain untenanted, and thereby become a resort for idle and disorderly persons, or become in a filthy or unwholesome state, or be complained of by any two or more of the neighbours as a nuisance, the Justices, after due inquiry, may cause notice in writing to be given to the owner, or to the person claiming to be the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the building or some conspicuous part of the premises, requiring the persons concerned therein, whoever they may be, to secure, enclose, clean, or clear, the same, and if such notice shall not be complied with within eight days, the Justices shall cause the necessary work to be executed, and all expenses thereby incurred shall be paid by the owner of the premises, and shall be recoverable as by the said Act provided, or in case of abandonment or disputed ownership, by the sale of any material found upon such building or land, and the provisions of Section CXLIV of the said Act shall be applicable to such sales.

Filthy houses.

XXXII. Whoever, being the owner or occupier of any house, building, or land within the Town, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or overgrown with vegetation, shall be liable to a penalty not exceeding fifty rupees, and to a further penalty not exceeding ten rupees for every day during

which the same is allowed to continue in such state, after the expiration of two days from notice in writing from the Justices to cleanse the same, or after he shall have been convicted of suffering the same to be in such state. Provided that the Justices may, in lieu of enforcing such daily penalty, enter on and clean and clear the said house, building, or land; and the expense incurred by the Justices in respect thereof shall be paid to them by the owner or occupier, and shall be recoverable as by the said Act provided.

Proviso.

XXXIII. Whoever, without the written consent of the Justices first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Justices by this Act, shall be liable to a penalty not exceeding two hundred rupees, and the Justices may cause such branch-drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit; and all the expense incurred thereby shall be paid by the person making or altering such branch-drain, and shall be recoverable as by the said Act provided.

Penalty for altering or making unauthorized drains leading into public sewers.

XXXIV. If it appear to the Justices that a group or block of houses or buildings may be drained or improved more economically or advantageously in combination than separately, and a sewer of sufficient size already exists, or is about to be constructed, within one hundred feet of any part of such group or block of houses or buildings, it shall be lawful for the Justices to cause such group or block of houses or buildings to be drained and improved by a combined operation, and the expenses incurred by the Justices in respect to such operation shall be chargeable to the owners of such houses or buildings, in such proportions as shall to the Justices seem fit, and shall, if not forthwith paid by such owners, be recoverable as by the said Act provided.

Group or block of houses, &c., may be drained by a combined operation.

XXXV. Sections CLII, CLVII, and CLIX of the said Act shall be read subject to the provision that the Justices themselves may construct and lay down such portions of the drains mentioned in the said sections, as may be carried through or under any public drain, aqueduct, or street, and the expenses incurred by the Justices in respect to such portions, if not forthwith paid by the owner, shall be recoverable as by the said Act provided.

Proviso to Sections 152, 157, and 159 of Act VI of 1863.

XXXVI. It shall be lawful for the Justices to cause the works mentioned in Sections CLII, CLVII, and CLIX of the said Act to be supervised while in progress, and from time to time during their execution to order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the Justices appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such work as aforesaid.

Supervision of works specified in Sections 152, 157, and 159, of Act VI of 1863.

XXXVII. It shall be lawful for the Justices of the Peace to define, fix, and determine what portions of any market or bazaar within the limits of this Act shall be thrown into and made part of the existing approaches, roads, paths, and ways, in such market or bazaar, for the convenient use of persons resorting thereto; and shall signify the same by affixing or causing to be affixed in some conspicuous place or places in the market or bazaar, a notice signifying the limits and description of the parts of the said market or bazaar so to be kept and used as part of the approaches, roads, paths, and ways. The Justices may, by notice in writing to be served upon the owner, proprietor, or lessee of any such market or bazaar, require him, within a time to be specified therein, to execute the necessary works and take all necessary measures for the setting out, clearing, widening, and maintaining of the said approaches, roads, paths, and ways. And in case the same be not accordingly

Justices may define ways in bazaars. Penalty in case of obstruction.

set out, cleared, and widened at the expiration of the time specified in the said notice, the person so making default shall be liable to a penalty not exceeding twenty Rupees for every day during which such default continues thereafter. And further, it shall be lawful for the Justices, in case of such default by their servants and workmen, to enter into and upon the said market or bazaar, and to clear, set out, and widen the said approaches, roads, paths, and ways, and recover from the person by whom the same ought to have been made the expenses thereof. The Justices may from time to time vary and alter the said approaches, roads, paths, and ways, as occasion may require, signifying the same by a like notice. And whosoever shall, after such notification, cause any obstruction or encroachment in or on any such approaches, roads, paths, or ways, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten rupees for every day such obstruction or encroachment is continued after notice from the Justices to remove or discontinue the same.

Jute warehouses must be registered.

XXXVIII. The owner or occupier of every warehouse, store, depôt, yard, or other place within the limits of this Act, used for the keeping, screwing, storing, or depositing of jute, or in which jute is stored or deposited, other than jute screwed for shipment, shall, within three calendar months after this Act comes into operation, register or cause the same to be registered at the office of the said Justices in a book to be kept by them for that purpose. And in case of default the person so neglecting or refusing to register the same, shall be liable to a penalty not exceeding one hundred Rupees for every day during which the offence is continued.

New jute warehouse must be licensed.

XXXIX. After the passing of this Act, it shall not be lawful to use any warehouse, store, depôt, yard, or other place within the limits of this Act, for the keeping or storing of jute, other than jute screwed for shipment, unless, before the same is so used,

a license for such use be obtained from the Justices: Provided that this section shall not apply to warehouses, stores, depôts, yards, or places already used at the time this Act comes into operation for the keeping or storing of such jute: Provided, nevertheless, if any such last mentioned warehouse, store, depôt, or place shall be burnt down and shall be rebuilt, it shall not be so used, for the keeping or storing of jute, unless such license as aforesaid be previously obtained. Every person who, without such license, shall so use any warehouse, store, depôt, yard, or other place in cases in which a license ought to be obtained, shall be liable to a penalty not exceeding five hundred Rupees, and to a further penalty not exceeding fifty Rupees for every day during which any such warehouse, store, depôt, yard, or other place is so used without a license, after conviction under this section, or after written notice from the Justices to discontinue such use.

Fire not to be used in places where jute is stored.

XL. Whoever shall introduce or use in any warehouse, store, depôt, yard, or place in which jute is deposited or stored, other than only jute screwed for shipment, any fire, or lucifer matches, or shall smoke therein, shall be liable to a penalty not exceeding fifty Rupees.

Inspector or Superintendent of Police may inspect jute warehouses.

XLI. It shall be lawful for any Inspector or Superintendent of Police within the limits of this Act, at all convenient times, to enter into any such warehouse, store, depôt, yard, or place in which jute is stored, and to inspect the same.

Act to be read with Act VI of 1863.

XLII. This Act shall be read with, and taken as part of, the said Act VI of 1863.

ACT No. VII of 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 14th April 1866, and of the Governor-General on the 30th idem.)

An Act to make better provision for the acquisition of land for embankments, and other matters relating thereto.

Preamble.

WHEREAS it is expedient to make better provision for the acquisition of land required for embankments, and for charging the expense thereof upon the owners of lands benefited thereby; Be it enatted:—

Lands for embankments may be acquired under powers for acquiring land for public purposes.

I. When it shall be necessary for any Collector to acquire land for the purpose of constructing any public embankment, or of extending or altering any embankment, the superintendence or charge whereof is vested in an officer of Government, the provisions of Act VI of 1857 passed by the Governor-General of India in Council, entitled "An Act for the acquisition of land for public purposes," and of any other Act for the time being in force relating to the acquisition of land for public purposes, shall extend and apply to the acquisition of such land, for the purpose aforesaid, so far as the same shall be applicable, and such Collector shall and may take and acquire such land, and assess compensation for the same, and do all other acts necessary for the acquisition thereof, by and under the powers and provisions of such Act or Acts so far as the same is or are applicable in that behalf; but no such declarations or orders by or on behalf of Government as are mentioned in Sections II and III of the said Act VI of 1857 shall be necessary or required. Any person to whom compensation has been awarded in respect

of lands taken, shall be entitled to receive the same together with interest after the rate of six per centum per annum for the time when the land was taken: Provided that notwithstanding any thing contained in Section VII, Clause 1, of Act XXXII of 1855 passed by the Governor-General of India in Council, entitled "An Act relating to Embankments," it shall not be obligatory upon the Collector to pay to any person, nor shall any person have a right to a civil suit for the recovery of any money in respect of compensation for lands taken, where the same is payable as hereinafter provided by the persons whose lands are benefited until and unless the Collector shall have received the same from such person.

Cost of land acquired for embankment where lands of different owners benefited.

II. In cases where lands the property of different owners will, in the opinion of Collector, derive benefit from the construction, alteration, or extension of any public embankment, and it is necessary to acquire land for the purpose of such construction, alteration, or extension, it shall be lawful for such Collector to charge the cost of such land and the expense attending its acquisition upon the persons so deriving such benefit, in such proportions as in his opinion shall be equivalent to the benefit derived by their lands respectively. Before assessing such contribution, the Collector shall cause a notice to be served on each of such person, in which it shall be stated what land is being taken, and the purpose for which it is required, and that the lands of such person will derive benefit from the execution of the works, and giving him notice that an inquiry will be held, at a day and place to be named, for the purpose of apportioning amongst the persons whose lands will be benefited by the intended works, the cost of the land and the expense of acquiring it. In case such person does not reside within the district in which his lands are situate, the notice may be served upon his agent, or if he has no agent therein, it will be sufficient to affix the notice upon some conspicuous part of his estate.

III. On the day fixed in the notice, which shall not be less than one month later than the date of service of such notice, the Collector shall proceed to make the necessary inquiry for the determination of the proportion in which the estates affected by the construction, extension, or alteration of the embankment will be benefited thereby. In making this inquiry he shall receive such evidence as may be tendered by or on behalf of the owners of estates which may appear likely to be benefited by the construction, extension, or alteration of the embankment as aforesaid, and by and on behalf of any other persons who may claim to be interested in the said inquiry, and he may make or cause to be made such local investigation, and call for such documents, and examine such witnesses, as he may think necessary; and all the provisions of the law, for the time being in force, in regard to the examination of witnesses and production of documents in judicial proceedings, shall be applicable to inquiries conducted by the Collector under this Act.

Mode of inquiry as to the proportion chargeable to each estate.

IV. The Collector shall and may after such inquiry make an award, in which he shall find and state the names of the persons whose lands will be or are benefited by the construction, alteration, or extension of such embankment, and the proportion of the cost of the land and the expense of its acquisition (including therein the cost of the said inquiry) which they ought respectively to bear. No appeal shall lie from the award of the Collector. But it shall be competent to the owner of any land assessed to a larger amount than his fair proportion, to recover such excess in the Civil Court, from the owner of any land or estate benefited thereby upon whom no assessment has been made or a smaller amount has been assessed than ought to have been awarded against him: Provided that in such suit no more shall be recovered from any person than the amount to which he ought to have been assessed where

No appeal from Collector's award: but one owner may recover from another who has not been assessed or who has been underassessed.

he has not been required to contribute, or the amount by which the sum he was required to pay was less than his fair proportion where he has been required to contribute.

Expenses of acquiring land, what included in.

V. There shall be included in the expense of acquiring the land so to be distributed amongst the persons benefited, not only the compensation awarded to the owner of the land taken, including interest at the rate of six per centum per annum from the time when the land was taken, but also the cost of surveys and plans, of notices, of the said inquiry and award, and all other costs, charges, and expenses incident to obtaining possession of such land. The amount so awarded shall and may be recovered from the person so required to pay the same, in the same way and by the same means as arrears of Government revenue.

Expense of sluice may be apportioned where lands of different owners benefited.

VI. When application has been made to the Collector under Section VIII of the said Act XXXII of 1855, for the construction of a sluice in any public embankment, and in the opinion of the Collector lands the property of other persons as well as of the person making the application will be benefited by the construction of the sluice, the expense of such construction may be assessed upon and recovered from such persons in such shares or proportions as shall, in the opinion of the Collector, be equivalent to the benefit derived by their lands respectively. Provided, nevertheless, that notice in writing shall be served on all such persons, stating that it is proposed to make such sluice, the probable expense thereof, and that an inquiry will be held at a place and hour specified, for the purpose of apportioning the expense of such construction among the persons to be benefited thereby, and that such person is supposed to be likely to be benefited thereby. And such notice may be served, and such inquiry shall be held, and such award shall be made, subject to the same rules, powers, and provisoes in all respects as is hereinbefore provided in the case of the apportionment of the cost of land

required for embankments. And the said award shall be final: but a civil suit may be brought to recover any excess with which any such person may be charged, from persons who ought to have been charged but have not been charged with any portion of the expense, or against whom less has been awarded than their fair proportion, as hereinbefore provided with respect to the apportionment of the cost of land.

Disposal of lands no longer required for embankments.

VII. Whenever in consequence of the construction or alteration of any public embankment, the maintenance of any other public embankment, or the retention of any land appropriated to the purposes thereof, may no longer be required, and the permanent relinquishment of the same may be deemed expedient by the officer in charge of the embankments, it shall be lawful for the Collector to dispose of the site of the embankment, or of the land so abandoned, by public sale; and all the provisions of the law for the time being in force in regard to sales of land in default of payment of the Government revenue, shall be applicable so far as the same may be reasonably applied, to sales under the provisions of this section. The proceeds of such sales shall, after the payment of all expenses incurred on account of the same, be applied to the payment of the cost of the new land taken up for embankment purposes, and in such case the residue only of the cost of such new land shall be apportioned among the owners of lands benefited as hereinbefore provided. Provided that it shall not be competent to the Collector to sell in the manner aforesaid any land which shall not have been taken up for embankment purposes under the provisions of this Act.

Collector may delegate any of his powers to a Deputy Collector.

VIII. A Collector may delegate any of his powers under this Act to a Deputy Collector, but from any order passed by a Deputy Collector to whom powers have been so delegated, an appeal shall lie to the Collector, if presented within fifteen days of the date of the order.

XI. Nothing in this Act shall be held to exempt any person from the obligation of giving land gratuitously, or of paying for land taken up for the purpose of public embankments, where such obligation exists by any law or custom.

Act does not apply where obligation to provide land exists.

X. The following words and expressions shall have the several meanings hereby assigned to them, unless where a contrary intention appears from the context :—

Interpretation.

Words in the singular number shall include the plural, and words in the plural shall include the singular.

Number.

Words importing the masculine gender shall include females.

Gender.

The word "Collector" shall include any officer exercising by authority of Government, the duties of a Collector of land revenue, by whatever name his office may be designated.

"Collector."

The word "owner" shall include zemindars, holders of puttnee tenures or of any rent-free tenure, dependant talookdars, Soonderbun grantees and farmers or holders of tenures paying revenue direct to Government.

"Owner of Estate."

Bengal Secretariat Press—300—29-8-71.

ACT No. VIII of 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 29th May* 1866, *and of the Governor-General on the same date.*)

An Act to amend "The Calcutta Police Act, 1866."

Preamble.

WHEREAS, by virtue of Section XXVI of "The Calcutta Police Act, 1866," the Magistrates are empowered (among other things) to try and convict summarily and impose punishment on persons charged with offences under Section 379 of the Indian Penal Code: And whereas, in consequence of the frequency of instances in which persons are brought before the Magistrates charged with trifling offences under Sections 380 and 381 of the Indian Penal Code, it is desirable to enlarge the summary powers of the Magistrates as regards such cases: Be it enacted as follows:—

Amendment of Section 26 of the Calcutta Police Act, 1866.

Section XXVI of "The Calcutta Police Act, 1866," shall be read as if after the words and figures "Theft under Section 379," the figures and word "380 and 381" had immediately followed; and this Act shall be taken and read as part of the said Act accordingly.

ACT No. IX of 1866.

Passed by the Lieutenant-Governor of Bengal in Council.

(*Received the assent of the Lieutenant-Governor on the* 30*th April* 1866, *and of the Governor-General on the* 31*st May* 1866).

An Act for the more effectual punishment of persons resisting lawful apprehension or escaping from legal custody, after having been charged with or convicted of offences punishable only under some special or local law.

Preamble.

WHEREAS it is expedient to make provision for the more effectual punishment of persons resisting lawful apprehension or escaping from legal custody, where such persons have been charged with, or convicted of offences punishable only under some special or local law: It is enacted as follows:—

Persons resisting apprehension or escaping from lawful custody under charge or conviction of offence under local law, to be punished.

I. If any person being charged with, or having been convicted of, an offence punishable under any special or local law, and which is not an offence punishable under the Indian Penal Code, shall intentionally offer any resistance or illegal obstruction to the lawful apprehension of himself for the offence with which he is so charged or of which he has been convicted, or shall escape or attempt to escape from any custody in which he is lawfully detained for such offence, he shall be punished with simple imprisonment or imprisonment with hard labor for a term which may extend to two years, or with fine, or with both.

The punishment is in addition to the punishment for the original offence.

II. The punishment in the preceding section is in addition to the punishment to which the person to be apprehended or detained in custody was liable for the offence under the special or local law with or of which he was charged or convicted.

PRICE 6 PIES.

Punishment of person offering resistance to lawful apprehension of other person charged with offence under local law, or rescuing such person.

III. Whoever intentionally offers any resistance to the lawful apprehension of any other person for an offence punishable under any special or local law and not punishable under the Indian Penal Code, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for any such offence as aforesaid, shall be punished with simple imprisonment or imprisonment with hard labor for a term which may extend to two years, or with fine, or with both.

ACT No. X OF 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 30th April* 1866, *and of the Governor-General on the 4th June* 1866.

An Act for the Improvement of the Port of Calcutta.

Preamble.

WHEREAS it is expedient that provision should be made for the construction and maintenance of warehouses, embankments, wharves, quays, jetties, piers, tramways, and other works in the Port of Calcutta, and for raising the funds necessary for such construction and maintenance, and for imposing tolls and rates on vessels and on goods landed and shipped; It is enacted as follows:—

Interpretation.

I. The following words and expressions shall have the meanings hereby assigned to them, unless where a contrary intention shall appear from the context:—

"Justices."

The word "Justices" shall mean "The Justices of the Peace for the Town of Calcutta" incorporated under Act VI of 1863 passed by the Lieutenant-Governor of Bengal in Council.

"Vessel."

The word "Vessel" shall mean any ship, barge, boat, raft, or craft, or any other kind of vessel whatever, whether navigated by steam or otherwise.

"Land."

The word "Land" shall include the bed of the river below high-water mark.

"Pier."

The word "Pier" shall include a floating pier.

"Wharf." The word "Wharf" shall include any bank or wall adjoining the river.

"Goods." The word "Goods" shall include wares and merchandize of every description.

"Port." The word "Port" shall mean the Port of Calcutta as at present, and from time to time to be, defined by declaration made by the Government of Bengal under Sections III and IV of Act XXII of 1855 (*for the regulation of Ports and Port-dues.*)

Number. Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Who shall be Trustees. II. The Justices shall be the Trustees for the carrying out of the purposes of this Act. Provided that all property vested in or acquired by the Justices under or by virtue of this Act, and all moneys raised by or payable to them under or by virtue of this Act, shall be held in trust and be applied for the purposes of this Act, and not otherwise.

The Committee of Justices. III. The immediate administration of the powers and trusts created and declared by this Act shall be vested in a Committee of the said Justices, who shall be nominated and appointed as hereinafter provided, and who shall be styled "The Committee of Justices for the Improvement of the Port of Calcutta." Wherever the term "Committee" is hereinafter used or employed, such term shall signify the said "Committee of Justices for the Improvement of the Port of Calcutta."

Constitution of Committee. IV. The Committee shall consist of ten Members, of whom the Chairman of the Justices shall always be Chairman; five others of such Members shall be elected by the Justices at a Special General Meeting; and the first of such elections shall be held and take place within a month after the passing of this Act; and the remaining four of such Members of the Committee shall be nominated

and appointed from among the said Justices by the Lieutenant-Governor of Bengal.

Vice-Chairman of Committee.

V. The Committee shall, at a Meeting to be held within one month from the time of their appointment, nominate from among themselves a proper person to be Vice-Chairman of the Committee. Such nomination shall be subject to the approval of the Justices at a Special General Meeting. In the event of any nomination made by the Committee not being approved of by the Justices or of any vacancy occurring in the office of Vice-Chairman, the Committee shall forthwith proceed at a Meeting to make a fresh nomination and appointment, subject to the approval of the Justices, and so on from time to time. Such Vice-Chairman shall be removeable by the Justices by a Resolution in favor of which not less than two-thirds of the Justices present at a Special General Meeting shall have voted.

Proceedings not to be invalidated by vacancy or informality of appointment.

VI. No act or proceeding of the Committee shall be invalidated or illegal in consequence only of there being a vacancy in the number of Members of the Committee at the time of doing or executing such act or proceeding. And all proceedings of the Committee or of any person acting as a Member thereof in the *bonâ-fide* belief that he was duly appointed and qualified, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of the Members of the Committee or person acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Member of the Committee.

Disqualification of Member of Committee.

VII. Every person who at any time after his election or appointment as a Member of the Committee shall be absent from six consecutive Meetings without having the permission in that behalf of the Committee, or who having such permission shall be absent from the Meetings for a period exceeding a year, and every person who at any time after his election as such Member shall accept or

agree to accept any office or place of profit under this Act, except the office of Vice-Chairman of the Committee, or who shall participate or agree to participate in the profits of any work done by order of the Justices under this Act, or be concerned or participate in the profits of any contract entered into with the Justices under this Act, shall thenceforth cease to be a Member of the Committee, and his office shall thereupon become vacant. Provided always that no Member of the Committee shall vacate his office by reason only of his being a Shareholder in any Registered Company with which the Justices may enter into any contract, or by reason of his being interested in any loan of money to the Justices.

Vacancy in Committee how filled up.

VIII. Upon any vacancy occurring by the death or resignation of any Member of the Committee or by any Member becoming disqualified, such vacancy shall forthwith be filled up by the election of a new Member by the Justices at a Special General Meeting, in case the Member so dying, resigning, or becoming disqualified was a Member elected by them, or in case such Member was a Member nominated by the Lieutenant-Governor, then by the nomination and appointment by the Lieutenant-Governor of a new Member from among the Justices.

Acting Member may be appointed during absence of Member of Committee.

IX. When any Member of the Committee shall depart from Calcutta with an intention of being absent for a longer period than three months, or where any such Member shall have been so absent for a period exceeding three months, it shall be lawful for the Committee to elect and appoint any Justice to act in the place and room of such absent Member until he shall return to Calcutta or until he shall cease to be a Member under the operation of Section VII of this Act by continued absence.

Salaries and Fees of Chairman, Vice-Chairman, and Members of Committee.

X. It shall be lawful for the Justices from time to time, subject to the approval of the Lieutenant-Governor, to determine whether any and what salaries and allowances shall be paid to the Chairman and Vice-Chairman of the Committee, and

whether any and what fees shall be paid to the Members of the Committee for attendance at Meetings for transaction of the business of the Trust. Provided that, at the time of determining the fees to be paid as aforesaid, the Justices shall, subject to the same approval, declare the conditions under which such fees shall be payable.

Committee may appoint Sub-Committees.

XI. The Committee may, from time to time, by Resolution passed at a Meeting, appoint Sub-Committees of their number for carrying into effect any part of the provisions of this Act, with such powers, and under such instructions, directions, or limitations, as by such Resolution shall be defined, and on any such Sub-Committee three Members shall be a quorum, and the Committee shall have power to alter or discontinue any such Sub-Committee.

Appointment and remuneration of Secretary, Engineer, &c.

XII. The Committee may, from time to time, appoint a Secretary, and such Engineers, Surveyors, Collectors, Clerks, Subordinate Officers, and Servants, as they shall think necessary and proper to assist in the execution of this Act, and may, from time to time, suspend or remove any of such persons and appoint others in their place; and may, with the sanction of the Justices at a Meeting, pay such allowances to the said persons respectively, or in case of absence on leave such portion thereof, as they shall think reasonable.

Penalty on Officers, &c., being interested in contracts, &c.

XIII. *Clause* 1.—No Chairman or Vice-Chairman of the Committee, or Officer or Servant of the Justices under this Act, shall be in any wise concerned or interested in any contract or work made with or executed for the Justices under this Act; and if any such Chairman or Vice-Chairman, or other Officer or Servant, be so concerned or interested, he shall be incapable of afterwards holding or continuing in any office or employment under the Justices, and shall forfeit and pay the sum of five hundred Rupees, which may be recovered by suit

by any person with full costs of suit: Provided that no person being a shareholder of any Joint Stock Company established by or under the provisions of any Act of Parliament, or of the Government of India, or by Charter, shall be prevented from being employed as a Chairman, Vice-Chairman, or other Officer or Servant by reason of any contract between such Company and the Justices under this Act, or of any work executed by such Company.

Clause 2.—If any person employed under this Act, not being a Public Servant within the meaning of Section 21 of the Indian Penal Code, shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person, or for rendering or attempting to render any service or disservice to any person with the Justices or Committee, or with any Public Servant, or with the Government, as such, he shall be liable to the same punishment as is in that behalf provided by the said Section 21 of the Indian Penal Code in the case of Public Servants.

XIV. It shall be lawful for the Justices at a Meeting to grant, with the sanction of the Lieutenant-Governor of Bengal, such leave of absence to the Vice-Chairman of the Committee, and to make such arrangements for carrying on the duties of his office during his absence on leave, as shall to them seem proper. Any person appointed under this Section to act for the Vice-Chairman, shall, while so acting, have all the powers and be liable to all the restrictions and limitations, which the Vice-Chairman would under this Act have and be liable to. In any case in which leave of absence shall be granted as aforesaid, the Justices may at a Meeting, with the sanction of the Lieutenant-Governor of Bengal, pay to the Vice-

Leave of absence may be granted to Vice-Chairman.

Chairman such allowance during absence on leave as shall to them seem proper. Provided that no greater expenditure shall be in any case incurred in the whole by reason of any such allowance, or of any allowance paid upon the absence on leave of any Officer or Servant of the Justices under this Act, than would have been incurred had no leave been granted.

Proviso.

XV. The Justices shall hold two Meetings in every year at which shall be transacted the general business relating to the Trust. At each such Meeting the accounts of the Trust for the previous half-year made up to the first day of the month in which such Meeting is held, shall be produced and exhibited for the inspection and satisfaction of the Justices. Such Meetings shall be held upon the same day as the Quarterly Meetings of the Justices in January and July, and at the conclusion of such Meetings.

Ordinary Meetings of Justices.

XVI. The Chairman, or, in his absence, the Vice-Chairman of the Committee, may whenever he thinks fit, and shall upon a requisition in writing signed by any ten Justices or by any three Members of the Committee, call a Special General Meeting of the Justices under this Act. Such Meeting shall be held within twenty-one days of the receipt of such requisition. And previous to the holding thereof seven clear days' notice at least, specifying the time and place of such intended Meeting, and the purpose for which it is to be held, shall be given by advertisement in the Calcutta Gazette, and in at least two of the Daily English Papers published in Calcutta.

Special Meeting of Justices.

XVII. No business shall be brought before or transacted at any such Special General Meeting of the Justices under this Act other than the business specified in the notice given under the last preceding Section: Provided always that any Justice may submit to a Special General Meeting any Resolution relating to matters beyond those mentioned in the notice given of such Meeting, if he shall have given not less than three clear

What business to be transacted at Special General Meetings of Justices.

days' previous notice of his intention so to do, by leaving a copy of the Resolution at the Office of the Justices.

Who shall preside at Meetings.

XVIII. The Chairman and Vice-Chairman of the Committee shall attend all Meetings of the Justices held under this Act, unless prevented by sickness or other reasonable cause; and the Chairman, or, in his absence, the Vice-Chairman, shall preside at every such Meeting, and shall have a second or casting vote in all cases of equality of votes. In the absence of both the Chairman and Vice-Chairman, the Justices present at any Meeting may choose one of their number to preside. The President of any Meeting at which a quorum of the Justices shall be present may, with the consent of the Meeting, adjourn the Meeting from time to time and from place to place. But no business shall be transacted at any adjourned Meeting other than the business left unfinished at the Meeting from which such adjournment took place.

What shall constitute a quorum at a Meeting of Justices.

XIX. No business shall be transacted at any Meeting of the Justices under this Act unless a quorum of at least twenty-five Justices be present: Provided always that, if at any such Meeting there shall not be a sufficient number of Justices present to form a quorum, the President shall adjourn the Meeting to such convenient time and place as he shall think fit; and the business which would have been brought before the original Meeting had there been a quorum present, shall be brought before, and disposed of by the adjourned Meeting in the usual manner, whether there be a quorum of Justices present at such adjourned Meeting or not.

Minutes of Proceedings of Justices to be kept, and to be open for inspection.

XX. Minutes of the Proceedings of all Meetings of the Justices under this Act shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each Meeting; and the said Minutes shall, at all reasonable times, be open at the Office of the Justices to

the inspection of any Justice without charge, and of any other person on payment of a fee of eight annas.

Declaration of President that a Resolution has been carried sufficient, unless poll be demanded.

XXI. At any Meeting of the Justices, unless a poll be demanded by at least five Justices, a declaration by the President that a Resolution has been carried, and an entry to that effect in the Book of Proceedings of the Justices shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against such Resolution.

Poll how to be taken.

XXII. If a poll be demanded as in the last preceding Section mentioned, or be taken at any Meeting of the Justices, the votes of the Justices present shall be taken by the President, and the result of such poll shall be deemed to be the Resolution of the Justices at such Meeting.

Meetings of Committee.

XXIII. The Committee shall meet for the transaction of business once at least in every fortnight. Such Meeting shall be held upon such day and at such hour as the Committee shall from time to time determine. At every Meeting of the Committee three Members shall constitute a quorum.

Emergent Meetings may be called.

XXIV. The Chairman, or, in his absence, the Vice-Chairman of the Committee, may whenever he thinks fit, and shall upon request made in writing by three Members of the Committee, or two Members of the Sub-Committee, call an emergent Meeting of the said Committee or Sub-Committee as the case may be.

Minutes of proceedings to be kept.

XXV. Minutes of the Procedings of all Meetings of the Committee shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each Meeting.

Chairman alone to exercise powers of Committee.

XXVI. For the better administration of the business of the Trust, it shall be lawful for the Committee, with the sanction of the Justices, from time to time to frame and alter general or special Regulations empowering the Chairman alone to

exercise all the powers by this Act vested in the Committee, or such of those powers as shall be specified in such Regulations, and defining the conditions and limitations (if any) under which such powers shall be exercised. Provided that no such Regulation shall affect the provisions of this Act as to Meetings, or empower the Chairman to act alone when his so doing would be clearly inconsistent with the provisions of this Act.

Chairman or Vice-Chairman to attend daily for the transaction of business.

XXVII. The Chairman or Vice-Chairman of the Committee, or some person duly authorized in that behalf, shall, except upon such holidays as shall be allowed by Government, attend daily at the Office of the Trustees for the transaction of business connected with or arising under this Act.

Powers of the Justices as to property.

XXVIII. The Justices in their Corporate capacity shall for the purposes of this Act have power to acquire and hold immoveable or moveable property, whether within or without the limits of the Port, by conveyance, lease, assignment, or sale from the Governor-General in Council or Lieutenant-Governor of Bengal on behalf of the Secretary of State for India in Council, or any Corporate body, or any Registered Joint Stock Company, or private person, and they shall also have power to lease, and with the sanction of the said Lieutenant-Governor to sell, any immoveable property which may have become vested in or been acquired by them but which is no longer required for the purposes of this Act.

Power to contract.

XXIX. The Committee may enter into contracts on behalf of the Justices with any body Corporate, Registered Joint Stock Company, or private person, for the execution or supply by them or him of any works, labor, materials, machines, stores, or for other matters necessary for carrying into effect the Trusts and purposes of this Act.

Mode of executing contracts.

XXX. Instruments and contracts on behalf of the Justices under this Act may be made and executed as follows :—

1.—Any instrument or contract which, if made between private persons, would by English law be required to be in writing under seal, shall be made by the Justices in writing under their common seal, and in the same way shall be altered, rescinded, or released.

2.—Any instrument or contract which, if made between private persons, would require by English law to be in writing signed by the party to be charged therewith, shall be signed on behalf of the Justices by the Chairman, or, in his absence, by the Vice-Chairman, and by two Members of the Committee, and in the same way shall be altered or rescinded.

3.—Any contract which, if made between private persons, might by English law be made verbally, may be made verbally on behalf of the Justices by the Chairman, or, in his absence, by the Vice-Chairman, and by two Members of the Committee, and in the same way may be altered or rescinded.

Committee may compound for breaches of contract, &c.

XXXI. It shall be lawful for the Committee, by Resolution passed at a Meeting, to resolve to compound or compromise for or in respect of any claim or demand arising out of any contract entered into by them under the authority of this Act, or in respect of any action or suit instituted by or against them, for such sum of money or other compensation as they shall deem sufficient.

Acquisition of land.

XXXII. When the Justices are unable to acquire by agreement any land or building required for the purposes of this Act, the Government of Bengal in its discretion may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for Government and for determining the compensation to be paid to the parties interested, according to any law in force for the acquisition of land for public purposes. Such land or building when acquired shall be conveyed to the Justices, on their paying the compensation awarded and all costs connected therewith.

XXXIII. The works and arrangements to be constructed and carried out by the Justices under the provisions of this Act may include:—

General nature of the works under the Act.

(i.) Wharves, quays, stages, jetties, and piers, within the Port, with all necessary and convenient arches, drains, landing-places, stairs, and approaches.

(ii.) Tramways, warehouses, and sheds for the conveying, receiving, and storing of goods and merchandize landed or to be shipped.

(iii.) The laying down of moorings and the erection of cranes, scales, and all other necessary means and appliances for loading and unloading vessels.

(iv.) The reclaiming, enclosing, and raising any part of the river bed within the Port and below high-water mark which may be necessary for the execution of the works authorized by this Act.

(v.) The construction and application of dredges and other machines for cleaning and improving the river bed within the aforesaid limits.

(vi.) The construction of such works without the limits of the Port as shall be necessary for the protection of works executed under this Act.

XXXIV. Within six months from the passing of this Act, or such further time as the Lieutenant-Governor of Bengal shall in that behalf allow, the Justices shall submit to the Lieutenant-Governor a written scheme or proposal, with the necessary plans, sections, and elevations, exhibiting the general character of the works, constructions, machines, and arrangements proposed by the Justices for the improvement of the Port, and the estimated cost of such improvements so far as such cost can be fairly estimated without going into minute details. Until the scheme or proposal so submitted shall have received the approval of the Lieutenant-Governor of Bengal, the Justices shall not, except with the express sanction in each

Justices to submit a general scheme of proposed works.

case of the Lieutenant-Governor of Bengal, have power to commence any works or acquire any immoveable or moveable property under this Act.

Lieutenant-Governor to enquire and approve of scheme.

XXXV. It shall be lawful for the Lieutenant-Governor of Bengal, in his discretion, to appoint a Commission of one or more persons, to enquire into the general nature and object of the said scheme, its probable utility and cost, and any other matter connected with the said scheme on which the said Lieutenant-Governor shall desire to be satisfied.

Variations and additions in scheme.

XXXVI. If any variations, omissions, or additions from or to the proposed scheme are required by the Government, the same shall be adopted by the Justices, and when the said scheme or proposal as submitted, or subject to such omissions, alterations, or additions, shall have received the final approval of the Lieutenant-Governor of Bengal, the general character of the scheme as approved, its general cost, and the fact of its approval by the Lieutenant-Governor of Bengal, shall be notified in the Calcutta Gazette, and thereafter the Justices shall have power to acquire property and to raise money as hereinafter mentioned.

Subsequent variations and additions.

XXXVII. If and whenever after the approval and notification as aforesaid of the general scheme, it shall be found desirable to carry out any variation therefrom or addition thereto, a written scheme or proposal for such variation or addition, with the necessary plans, sections, and elevations, and an estimate of the cost, shall be submitted by the Justices to the Lieutenant-Governor of Bengal, who shall have the same power and discretion in regard thereto as in regard to the general scheme, and such variation or addition shall, when and as approved, be notified in the Calcutta Gazette. Provided that any variation or addition in matters of mere detail and involving a difference of expense from the originally estimated cost of not more than fifty thousand Rupees, may be carried out by the Justices without submitting the same

to the Lieutenant-Governor of Bengal, any thing hereinbefore contained notwithstanding.

Money to be raised on debentures.

XXXVIII. After such notification as aforesaid has been published, it shall be lawful for the Justices from time to time to raise money for the estimated cost of the works and arrangements proposed and approved on debentures bearing interest, which shall be a first charge on all property acquired by the Justices for the purposes of this Act, and on all tolls, duties, rates, and charges leviable under this Act; and it shall be lawful for the said Justices at any time or times to raise the additional moneys (if any) required for the carrying out of any variations or additions under the last preceding Section, by the issue of further debentures to be a charge as aforesaid on the tolls, duties, rates, and charges leviable and property acquired under this Act. Provided that the amount of debentures issued or advertized at any one time, and the terms on which the same are issued, shall be subject to the approval of the Lieutenant-Governor of Bengal, and that the total amount of outstanding debentures under this Act shall not at any time exceed the sum of one and a half Crores of Rupees.

Application of funds raised on debentures.

XXXIX. All the moneys raised on debentures shall be applied by the Justices in the acquisition of immoveable and moveable property, the payment of salaries, fees, and expenses, and of interest on debentures, and of the cost of works and erections necessary or expedient for carrying out the purposes of this Act.

Application of surplus income.

XL. Whenever the half-yearly accounts directed to be laid before the Justices shall show a surplus for the half-year of income over expenditure, such surplus or so much thereof as the Justices shall think fit, may be applied by them in paying off the debentures issued under this Act, or such surplus may in whole or part be invested by the Justices in the purchase in their Corporate name of Government Securities, and the interest thereof may be accu-

mulated and invested in like manner, with power to the Justices at any time to dispose of any such Securities, and to apply the proceeds and interest thereof in paying off debentures or towards any of the other purposes of this Act.

Form of debenture.

XLI. All the debentures issued under the authority of this Act shall be in the form contained in the Schedule (A) to this Act, and shall be transferable by endorsement, and the right to sue in respect of the moneys secured by any of such debentures shall be vested in the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

Payment of debentures by fresh mortgage of rates.

XLII. The Justices may at any time, with the approval of the Lieutenant-Governor of Bengal, raise, by the issue of new debentures, any money that may be required to pay the amount for the time being due on any debentures issued in pursuance of this Act.

A Budget or Estimate of Income and Expenditure to be submitted annually to the Justices.

XLIII. At a Special General Meeting to be held in the month of November in each year, the Chairman shall lay before the Justices a separate Budget or Estimate, prepared by the Committee, of the expenditure and income of the Trust under this Act for the year commencing on the 1st of January then next succeeding, in such detail and form as the Justices shall from time to time, by order passed at a Meeting, direct. Provided always that such Budget shall be completed and printed, and a copy thereof sent by post or otherwise to each of the Justices resident within twenty miles of Government House, at least seven clear days prior to the Meeting before which the Budget is to be laid.

Budget of Expenditure.

XLIV. The Budget shall show what expenditure it is proposed to incur for the purposes of this Act during the period to which it relates, and the manner in which it is proposed to meet such expenditure.

XLV. It shall be in the discretion of the Justices to pass, or to reject, or to modify, the estimates of all or any sums entered in the Budget. No new work or series of works the entire estimated cost of which, as shewn in the Budget, shall exceed fifty thousand Rupees, shall be commenced without the sanction of the Lieutenant-Governor having been previously obtained.

Revision and passing of Estimates.

No new work, the estimated cost of which exceeds 50,000 Rupees, to be commenced without the sanction of Government.

XLVI. The accounts of the receipts and expenditure under this Act, shall be audited and examined twice in every year for the purpose of being laid before the half-yearly Meetings under Section XV of this Act. The audit shall be made by such Auditors as shall from time to time be appointed by the Lieutenant-Governor of Bengal. For the purposes of any audit and examination of accounts under this Act, the Auditors may, by summons in writing, require the production before them of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same: and if any such person neglect or refuse so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a penalty not exceeding one hundred Rupees. All Auditors acting under this Act shall, in respect of each audit, be paid by the Justices such reasonable remuneration as the Lieutenant-Governor of Bengal shall from time to time determine: Provided always that before each audit and examination of accounts under this Act, the Chairman shall give ten days' notice of the time and place at which the same will be

Accounts to be audited and examined.

Proviso.

made, by advertisement in the English Government Gazette, and in at least two of the daily English Newspapers published in Calcutta; and a copy of the accounts to be audited and examined shall be deposited in the Office of the Justices, and be open during Office hours thereat to the inspection of all persons interested, for seven days before the audit and examination, and all such persons shall be at liberty to take copies of or extracts from the same, without the payment of any fee; and within fourteen days after the audit and examination shall have been completed, the Auditors shall report upon the accounts audited and examined, and shall deliver such report to the Justices at a Meeting, who shall cause the same to be deposited in the Office of the Justices, and to be published in the Calcutta Gazette and in some one or more of the said Newspapers.

Sea-going vessels may be ordered by Conservator of Port, on requisition of Justices, to resort to wharf for receiving or discharging cargo.

XLVII. And when any wharf, quay, stage, jetty, or pier erected under the provisions of this Act shall have been made and completed, together with such sufficient warehouses, sheds, cranes, and moorings for landing and shipping goods from and upon sea-going vessels, it shall be lawful for the Lieutenant-Governor of Bengal to declare, by publication of notice to that effect in three consecutive numbers of the Calcutta Gazette, that such wharf, quay, stage, jetty, or pier is ready for receiving, landing, and shipping goods from and upon sea-going vessels. And from and after such notification and publication it shall be lawful for the Chairman of the Committee, or the proper Officer of the Justices in that behalf, to call upon the Conservator of the Port from time to time when there shall be room at such wharf, quay, stage, jetty, or pier, to order any vessel he may think fit alongside of the said wharf, quay, stage, jetty, or pier, for the purpose of being laden or unladen by the Justices. And if after such order of the Conservator of the Port the Owner or Master of any such vessel shall either take in or discharge cargo, save and except at such wharf, quay, stage, jetty or pier, to which

such vessel shall have been so ordered, the Owner, or Master thereof shall be liable to a penalty of one hundred Rupees for each day that he or they shall land or ship or attempt to land or ship any goods in contravention of such order.

After Notification, all goods must be landed and shipped from and upon sea-going vessels at the wharves of the Justices.

XLVIII. When a sufficient number of wharves, quays, stages, jetties, and piers, shall have been erected under this Act for the landing and shipping of the cargoes of all sea-going vessels resorting to the Port, it shall be lawful for the Lieutenant-Governor of Bengal to order, by publication of such order for one month in the Calcutta Gazette, that no goods shall be landed or shipped from or upon any sea-going vessel within the Port, save at such wharves, quays, stages, jetties, and piers. And whoever shall, after such order has been so notified as aforesaid, land or ship or attempt to land or ship any goods in contravention of such order, shall be liable to a fine not exceeding two hundred Rupees for every day that he shall so land or ship any goods in contravention of the said order. Provided always, and it is hereby declared, that notwithstanding any thing in this or the 51st Section contained, it shall be lawful for the Lieutenant-Governor of Bengal, by notice in the Calcutta Gazette from time to time, if he shall so think fit, to declare that certain specified vessels, goods, or cargoes, or class of goods or cargo, shall be permitted to be landed or shipped elsewhere and at such part of the Port of Calcutta, and for such time, as he may think fit.

After Notification, boats and country vessels prohibited from landing or shipping goods within prescribed limits, except at a wharf of the Justices.

XLIX. As and when any wharf, quay, stage, jetty, or pier, for the receiving, landing, or shipping of goods from boats and inland country vessels shall have been made and completed with all proper appliances in that behalf, it shall be lawful for the Lieutenant-Governor to declare, by publication of the same in three consecutive numbers of the Calcutta Gazette, that such wharf, quay, stage, jetty, or pier is ready for the receiving, landing,

and shipping of goods from boats and inland country vessels, and in the same way to order that within certain prescribed limits to be specified in that behalf, it shall not be lawful to land or ship any goods out of or into any such boat or inland country vessel except at such wharf, quay, stage, jetty, or pier. After such publication as aforesaid, it shall not be lawful for any boat or inland country vessel to land or ship any goods at any place within the limits so specified, except at such wharf, quay, stage, jetty, or pier; nor for any such boat or inland country vessel while within such limits to anchor, fasten, or lay within fifty yards of the ordinary low-water mark without the consent of the Justices. And if, after such notification and publication, any boat or inland country vessel shall while within such limits so anchor, fasten, or lay, it shall be lawful for the Officers of the Justices in that behalf to remove or cause the same to be removed out of the said limits.

Penalties in case of boats or inland country vessels landing goods or mooring within prohibited limits.

L. If the owner, manjee, or person in charge of any boat or inland country vessel shall, after such notification and publication as in the last preceding Section mentioned, land or ship any goods from or into any such boat or inland country vessel at or upon any place within the said limits, except at, upon, or from the said wharf, quay, stage, jetty, or pier, he shall be liable to a penalty of thirty Rupees for each day upon which any goods shall be so landed or shipped. And if any such owner, manjee, or person in charge of such boat or vessel shall anchor or fasten his boat or vessel, or shall lie within the said limits at a distance not exceeding fifty yards of the ordinary low-water mark, except with the consent of the Justices, and shall neglect or refuse to remove his boat or vessel out of the said limits, when lawfully required so to do, he shall be liable to a penalty of fifty Rupees. And in addition to the said penalties the Justices may seize and detain any such boat or inland country vessel until the said penalties respectively shall be paid.

When wharves completed, inland country vessels must land and ship cargoes at wharves.

LI. When and so soon as a sufficient number of wharves, quays, stages, jetties, and piers shall have been erected under this Act for the landing and shipping of the cargoes of inland country vessels frequenting the Port of Calcutta, it shall be lawful for the Lieutenant-Governor, by notice published in three consecutive numbers of the Calcutta Gazette, to order that no goods shall be landed or shipped from or into any such inland country vessel within the Port of Calcutta, save at such wharves, quays, stages, jetties. and piers. And whoever shall, after the same has been so notified as aforesaid, land or ship or attempt to land or ship any goods from or upon any such inland country vessel in contravention of such order, shall be liable to a penalty of thirty Rupees for each and every day that he shall so land or ship any cargo from or upon any such inland country vessel.

Public landing places to be provided.

LII. The Justices shall make a sufficient number of public landing places in and upon which the public shall be permitted to land free of charge the following articles—that is to say, bricks, tiles, lime, soorkee, firewood, bamboos, hay, straw, vegetables, fruits, meat, and market produce. And the Justices shall make, and may from time to time alter and vary, such Regulations and Bye-laws for the use of the said public landing places, the time during which goods shall be allowed to remain thereon, and the removal of goods landed thereon, as they shall think fit. Provided nevertheless that such Regulations and Bye-laws shall be approved of by the Lieutenant-Governor of Bengal.

Ghauts and bathing-places to be provided.

LIII. It shall be lawful for the Justices, if they shall consider it necessary for the purposes of this Act, to occupy or remove any bathing ghaut or landing-place within the Port, and to prohibit the public from afterwards resorting to or using the same. Provided nevertheless that the Justices shall reserve, set out, make, and provide for the use of the public such sufficient bathing ghauts within

the Port as shall be required for the convenience of the public, and as shall be approved of by the Lieutenant-Governor of Bengal.

Wharves, &c., to be appointed under Customs Act.

LIV. When the Lieutenant-Governor of Bengal shall, under Section X of the Consolidated Customs Act, appoint any wharf, quay, stage, jetty, or pier, erected under this Act for the use of sea-going vessels, to be a wharf for the landing and shipping of goods within the meaning of that enactment, the Justices shall set apart, maintain, and secure on any such wharf, quay, stage, jetty, or pier, such portion thereof or place therein or adjoining thereto for the use of the Officers of Customs as the Lieutenant-Governor shall in that behalf approve or appoint.

Justices bound to provide servants, &c. for shipping and landing goods.

LV. After the publication of the order in Section XLVIII hereinbefore mentioned, the Justices shall provide and at all times keep and maintain sufficient servants, and apparatus, for the expeditious and convenient landing and shipping of goods from and upon all sea-going vessels coming to the wharves, quays, stages, jetties, or piers, and shall by their servants land and ship all goods from and upon any such vessel so coming to such wharf, quay, stage, jetty, or pier, unless where there is a legal excuse for refusing to land or ship such goods, or such vessel is by reason of the breach or non-observance of any law or regulation not entitled to have her cargo shipped or discharged. Provided that the Justices shall not be bound to land, ship, or move any single article or package exceeding thirty tons of twenty hundred weight in weight, except at such special charge as may be agreed on in respect of such article or package.

Tolls to be levied.

LVI. The Committee shall from time to time frame a scale of tolls, dues, or rates for the landing and shipping of goods at the wharves, quays, stages, jetties, and piers erected under this Act for the use of sea-going vessels, and for the storing and keeping of any goods stored in any premises belonging to the Justices, and for the removal of goods, and for the use of any moorings

laid down by the Justices. And also a scale of tolls, dues, and rates for the landing and shipping of goods into and out of any country boat or vessel, and also a scale of tolls for the use of the said wharves, quays, stages, jetties, and piers by any boat or inland country vessel, in case the Justices shall permit the goods to be landed or shipped by others than their own Officers and servants. Such scale of tolls, dues, and rates shall be submitted to the Lieutenant-Governor, and after receiving his approval shall be published in the Calcutta Gazette, and may from time to time, subject to the like approval and publication, be altered. Provided always that it shall not be lawful for the Justices to levy any tolls, dues, or rates or mooring charges on a scale higher than that given in Schedule B to this Act.

Recovery of tolls in arrear.

LVII. For the amount of all tolls, charges, dues, and rates duly leviable under this Act in respect of any goods, the Justices shall have a lien on such goods, and shall be entitled to detain the same until such tolls, rates, and dues are fully paid. Tolls, rates, and dues in respect of goods to be landed shall become payable immediately on the landing of the goods. Tolls, rates, and dues in respect of goods to be removed from the premises of the Justices or to be shipped for export, shall be payable before the goods are removed or shipped. The lien for such tolls, rates, and dues shall have priority over all other liens and claims, except for general average, the shipowner's lien for freight upon the said goods where such lien exists and has been preserved in the manner hereinafter provided, for primage, and for money payable to Her Majesty or the Secretary of State for India in Council under any law for the time being in force. Provided that nothing in this Act shall affect any power or authority vested in the Chief Officer of Customs under any law for the time being in force.

Goods may be removed to Public Warehouses.

LVIII. In any case in which goods without any default on the part of the Justices shall have been left for three days on any wharf or shed belonging to the Justices, it shall be lawful for the Committee to remove or cause the same to be removed either to

any warehouse belonging to them or to the Public Warehouses, at the expense of the owners of the said goods, giving notice to the consignee or owner of such goods of such removal if the address of such consignee or owner is known, by letter left at such address or sent by post; and the consignee or owner of such goods, in addition to the expenses of the removal of the same, shall be liable, in case the goods shall be removed to any warehouse or store of the Justices, to a charge for warehousing for the time during which the goods shall remain in the said warehouses. In case the said goods shall be removed to the Public Warehouses, then the said consignee or owner shall be liable to the charges for warehousing goods in such Public Warehouse.

Lien for freight preserved after landing of goods, if notice of lien given.

LIX. If the shipowner, at the time when any goods are landed at any wharf, quay, stage, jetty or pier, erected under this Act, shall give to the Justices notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount to be mentioned in such notice, the goods so landed shall continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof. Such goods shall be retained either in the warehouses and sheds of the Justices, or, with the consent of the Chief Officer of Customs, in the Public Warehouses, until the lien is discharged as hereinafter mentioned. If by reason of the failure to retain the said goods any loss is occasioned to the shipowner, the Justices shall be bound to make good such loss.

Discharge of lien by payment or release.

LX. Upon the production to the Officer of the Justices in that behalf of a receipt for the amount claimed as due, and delivery to him of a copy thereof, or of a release of freight from the shipowner, the said lien shall be discharged.

If tolls not paid or the lien for freight is not discharged, goods may be sold after the expiration of two months.

LXI. If the tolls, rates, and dues payable to the Justices in respect of the said goods under this Act are not paid, or if the lien of the shipowner for freight, where such notice as aforesaid has been given, is not dis-

charged, the Justices may, and in the latter event if required by the shipowner shall, at the expiration of two months from the time when the goods were placed in their custody, or if the goods are of a perishable nature at such earlier period, being not less than twenty-four hours after the landing of the goods, as they shall think fit, sell by public auction the said goods or so much as may be necessary to satisfy the charges hereinafter mentioned; before making such sale, ten days' notice of the same shall be given by publication thereof in the Calcutta Gazette, unless the goods are of so perishable a nature as in the opinion of the Officer of the Justices in that behalf to render immediate sale necessary or advisable, in which event such notice shall be given by publication as aforesaid as the urgency of the case admits of. If the address of the owner of the goods has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the Justices, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address or sent by the post: but the title of a *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent. In every case of any such sale as aforesaid, the moneys received from the sale shall be applied as follows :—

1*st*, In payment of the expenses of the sale.

2*ndly*, In payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods.

3*rdly*, In payment of the tolls, charges, and expenses of landing, removing, storing, or warehousing the same, and of all other charges due to the Justices under this Act in respect thereof.

The surplus, if any, shall be paid to the importer, owner, or consignee of the goods or to his agent, on his applying for the same; provided such application be made within one year from the sale of the goods, or good reason be shown why such application was not so made.

LXII. The powers and provisions contained in Section XLIX of the said Act XXII of 1855 shall be applicable in respect of all charges for moorings or other charges due from the owner of any vessel to the Justices under this Act.

Port clearance to be withheld if mooring charges unpaid.

LXIII. The powers vested in the Local Government with the sanction of the Governor-General of India in Council by Section VII of the said Act XXII of 1855, shall extend to the regulating the classes of cargo to be shipped and landed from and at the respective wharves, quays, stages, jetties, or piers, belonging to the Justices, and the time for which and the order and manner in which vessels are to lie alongside such wharves, quays, stages, jetties, and piers, respectively, for the purpose of unloading or loading cargo, and all Regulations under and provisions of the said Act with regard to buoys and moorings shall extend to the buoys and moorings laid down by or belonging to the Justices. The Conservator of the Port and his assistants, in carrying out and enforcing such Regulations, shall act under the direction of the Committee.

Port Act to extend to Lieutenant-Governor's Regulations under this Act.

LXIV. If any person shall disobey any Rule or Regulation of the Local Government as to the time, manner, or order for or in which vessels are to lie alongside as aforesaid, or as to the use of such buoys or moorings as aforesaid, such person shall for every such offence be liable to a penalty not exceeding one hundred Rupees, and if the offence be continued beyond a day, to a penalty not exceeding fifty Rupees for every day after the first.

Penalty for infringing Regulation of Local Government.

LXV. In case any damage or mischief shall be done to any wharves, quays, jetties, piers, or works constructed under the provisions of this Act, by any vessel, through the negligence

Compensation for damage to the property of the Justices.

of any person having the guidance of or command thereof, or any of the mariners or persons employed therein, it shall be lawful for any Magistrate of the Town of Calcutta, on the application of the Justices, to issue a summons to the Master of or Agent for such vessel requiring him to attend on a day and at an hour named in the summons, to answer touching such damage or mischief. If at the time appointed in the summons and whether the person summoned shall appear or not, it shall be made out to the satisfaction of the Magistrate that the alleged damage was done through such negligence as aforesaid, and that the pecuniary amount of the same does not exceed two hundred Rupees, it shall be lawful for the Magistrate to issue his warrant of distress under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors, or stores of the vessel may be seized and sold to cover the expenses of and attending the execution of the distress and the pecuniary amount of damage as aforesaid, and such amount shall be paid to the Justices out of the proceeds of the distress. Provided that, if at the time of the damage or mischief the vessel was under the orders of a duly authorized Officer belonging to the Pilot Service or the Harbour Master's or Master Attendant's Department, the case shall not be cognizable by the Magistrate under this Section.

Penalty for damage done to the works, &c.

LXVI. If any person shall wilfully demolish, cut, break, or in any way destroy any of the wharves, quays, jetties, and piers or other works belonging to the Justices under this Act, or any rope or other thing by which any vessel lying in the Port shall be moored or fastened to the same, such person shall for every such offence be liable, on conviction before a Magistrate for the Town of Calcutta, to a penalty not exceeding two hundred Rupees, and shall further be civilly liable to make good to the Justices the damage which he has occasioned.

Penalties how recoverable.

LXVII. All penalties imposed by this Act shall be recovered in the manner prescribed by Section XCIII of the Calcutta Police Act,

1866, and the provisions of Section XCIV of that Act shall apply to any distress levied by virtue of this Act. Such penalties shall be applied by the Justices to the purposes of the Trust.

Justices empowered to make Bye-laws.

LXVIII. It shall be lawful for the Justices to make and from time to time to alter Bye-laws for the guidance of persons employed by them under this Act; for the safe and convenient use of the wharves, quays, jetties, sheds, warehouses, tramways, and other works constructed by them under the authority of this Act; for the receiving and removal of goods brought within the premises of the Justices; for declaring the procedure to be followed by the Committee in taking charge of goods which shall have been damaged before landing or shall be alleged to be so damaged; and for the mode of payment of the tolls, dues, rates, and charges leviable under this Act. Provided that no such Bye-law or Regulation shall be repugnant to or inconsistent with any law in force or any Regulation of the Local Government under the provisions of this Act, and that no penalty for any one infringement of a Bye-law shall exceed fifty Rupees, and that, in case of a continuing infringement, no penalty shall exceed ten Rupees for every day after the first notice.

Confirmation of Bye-laws.

LXIX. No Bye-law or alteration of a Bye-law shall have effect until the same shall have been approved by the Lieutenant-Governor of Bengal, and been published for four weeks in the Calcutta Gazette, and when so published all Courts of Law shall take judicial notice thereof.

Bye-laws and Tables of tolls to be exhibited.

LXX. The Justices shall cause the said Bye-laws and the Tables of tolls, rates, and charges leviable to be printed in the English and Bengalee languages and characters, and to be hung up and kept hung up at the several wharves, quays, and jetties, and other convenient places on the premises of the Justices.

Notice of action.

LXXI. No suit shall be maintained against any person for any thing done in pursuance of this Act, unless notice in writing shall have

been given to the defendant or left at his last or usual place of abode one month before such suit shall be commenced, stating that a suit will be brought, and the grounds of suit.

Government may order a local survey.

LXXII. The Lieutenant-Governor of Bengal may at any time order a local survey and examination of any works of the Justices under this Act or the intended site thereof, and the cost of such survey and examination shall be borne and paid by the Justices out of the moneys in their hands by virtue of this Act.

Government may restore or complete works.

LXXIII. If the Justices shall allow any work constructed by them under this Act to fall into disrepair or shall not complete any work commenced by them or included in any scheme submitted to and approved of by Government under this Act, it shall be lawful for the Lieutenant-Governor of Bengal to cause such work to be restored, completed, or constructed either by the Officers of Government or any private contractor, and the cost of any such restoration, completion, or construction shall be a charge on the works, and a debt due from the Justices to the Secretary of State for India in Council.

Government may take possession and revoke powers of Justices.

LXXIV. If at any time it shall appear to the satisfaction of the Lieutenant-Governor of Bengal that the scheme submitted and approved under the provisions of Section XXXIV of this Act has not been and is not likely to be properly carried out, or (if carried out) has not been and is not likely to be properly maintained by the Justices, it shall be lawful for the said Lieutenant-Governor to give six months' notice, by order published in the Calcutta Gazette, that unless within that period the Justices shall take measures to the satisfaction of the said Lieutenant-Governor for the carrying out or proper maintenance of the said scheme, the powers by this Act conferred on the Justices will at the end of such period be withdrawn and revoked, and the Government of Bengal may assume possession and management of the works (if any) already constructed. By such order and without the necessity of any conveyance, all immoveable

and moveable property, all rights of levying and recovering tolls, dues, and rates, all benefit of contracts, and all rights of suit, which at the time may be vested in the Justices under this Act, shall be transferred to and vested in the Secretary of State for India in Council, and the rights of all creditors of the Justices under this Act shall continue as against the said Secretary of State in Council to the extent of the property so transferred to and vested in him.

SCHEDULE (A).—*(referred to in Section XLI.)*

FORM OF DEBENTURE.

The Justices of the Peace for the Town of Calcutta.

The 18

No.

By virtue of the Act No. X of 1866 of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, entitled "An Act for the Improvement of the Port of Calcutta," we, the Justices of the Peace for the Town of Calcutta, in consideration of the sum of Rs. paid to us by A. B. of promise to pay to the said or order the said sum of Rs. after the date hereof, together with interest at the rate of per centum per annum payable half-yearly on the day of and the day of

(Signatures of the Chairman or Vice-Chairman and two Justices.)

SCHEDULE (B).—*(referred to in Section LVI.)*

MAXIMA RATES AND TOLLS.

1. Rates on goods where no separate package or article exceeds one ton of 20 cwt. in weight :—

The maximum charge shall be Rs. 3 per ton by weight or measurement, to be calculated on the weight or measurement

at the option of the Justices. Except as regards the goods hereunder specified, the ton by weight shall be one of 20 cwt., and the ton by measurement one of 50 cubic feet.

As regards the following classes of goods, the ton shall be taken at the respective weights and measurements hereunder appended to each class of goods, that is to say—

	Cwt. per ton.
Anniseed ...	... 8
Bark, in bags ...	... 8
Cake Lac, in bags ...	... 16
Cardamums, in robbins ...	... 8
China Root, in bags ...	... 11
Cloves, in bags ...	... 8
Coffee, in bags ..	... 18
„ in robbins and casks ...	... 16
Cutch, in bags ...	... 18
Dates, dry ...	... 16
Garlic and Onions ...	... 12
Ginger ...	... 16
Hides, Buffalo or Cow, cured	... 14
Mirabolans ...	... 16
Nux Vomica ...	... 16
Oats ...	... 16
Opium ...	per chest
	Cwt. per ton.
Paddy ...	... 16
Pepper, long ...	... 12
„ black ...	... 14
Putchuck ...	... 10
Raw Silk, in bales ...	... 10
Rum, in casks ...	2 puncheons or 4 hhds.
	Cwt. per ton.
Seed Lac, in bags ...	... 16
Shell Lac, in bags ...	... 16
Skins ...	... 14

	Cwt. per ton.
Soap, country, in bags ...	... 15
Stick Lac, in bags ...	... 16
Tobacco, in bales ...	... 16
Turmeric ...	... 16

2. Rates on packages or articles exceeding one ton of 20 cwt. in weight :—

Above Tons.	Not exceeding Tons.	Rate. Rs.
1 ...	... 2	... 6
2 ...	... 3	... 12
3 ...	... 4	... 30
4 ...	... 5	... 60
5 ...	.. 6	... 90
6 ...	... 8	... 120
8 ...	... 10	... 180
10 ...	... 12	... 240
12 ...	... 15	... 360
15 ...	.. 20	... 600
20 ...	... 25	... 900
25 ...	... 30	... 1,200

3. Rates on goods landed or shipped from or upon boats and inland country vessels where servants of Justices land or ship the goods :—

Country boats, for every ton ... Rs. 1-8 as.

Inland steamer or flats towed by

Steamer, for every ton ..... „ 2

Where the owners of the boat or vessel land or ship the goods—

Inland steamer ... Re. 1 per ton.

Country boat ... As. 12 „

4. Rates on vessels for use of moorings and wharves—

Sea-going vessel, per ton of goods shipped or landed 8 annas.

Inland steamers, „ „ ... 4 „

Country boats, „ „ ... 2 „

ACT No. I OF 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 20th March 1867, and of the Governor-General on the 26th idem.*)

An Act to explain and amend Act VI of 1863 of the Lieutenant-Governor of Bengal in Council.

Preamble.

WHEREAS by Act VI of 1863 of the Lieutenant-Governor of Bengal in Council the Justices for the Town of Calcutta were empowered to construct aqueducts and lay pipes for bringing water into the Town, and to provide new tanks, reservoirs, cisterns, wells, and other such water-works for the purpose aforesaid: and whereas by Act VI of 1866 of the Lieutenant-Governor of Bengal in Council the said Justices were required to cause to be laid down in each street, lane, and thoroughfare of the Town sufficient mains and pipes for the supply of water, and to carry out a system for such supply: and whereas, with a view to the more effectual carrying out of such system, it is expedient to explain and amend the said Act VI of 1863; It is enacted as follows:—

Meaning of the expression "they shall substitute other such works" in section 180 of Act VI of 1863.

I. It is hereby declared that the expression "they shall substitute other such works" used in the 180th section of the said Act VI of 1863 means, and the intention of the said Act is, that whenever the said Justices shall have ceased or shall cease to maintain any tank, reservoir, cistern, well, aqueduct, tunnel, pipe, pump, or other water-work, they shall substitute some other work, so that the supply of water to the inhabitants, or for the other purposes of the Act, shall not, after the completion of such substituted

work, be less than it was before such substitution, but that they shall not be bound to substitute a work of the same specific description or use as that which is removed or no longer maintained.

Works substituted under the said section 180 to be subject to the approval of the Lieutenant-Governor.

II. All works substituted under the said 180th section, and the time for the completion of such substituted works, shall be subject to the approval of the Lieutenant-Governor of Bengal, and such approval, when given, shall be conclusive evidence that the provisions of the said section have been duly complied with.

Construction.

III. This Act shall be construed with, and as part of, the said Act VI of 1863.

Reg. No. 15892—D. E. J.—300—20-12-77.

ACT No. II OF 1867.

PASSED BY THE LIEUTENANT GOVERNOR OF BENGAL IN COUNCIL.

Received the assent of the Lieutenant-Governor on the 20th March 1867, and of the Governor-General on the 1st April 1867.)

An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the territories subject to the Lieutenant-Governor of Bengal.

Preamble.

WHEREAS it is expedient to make provision for the punishment of public gambling and the keeping of common gaming-houses in the territories subject to the Lieutenant-Governor of Bengal; It is enacted as follows:—

Interpretation Clause.

'Common Gaming-house."

I. In this Act "Common gaming-house" means any house, tent, room, space, or walled enclosure, in which cards, dice, tables, or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, or keeping such house, tent, room, space, or enclosure, whether by way of charge for the use of the instruments of gaming or of the house, enclosure, room, or place, or otherwise howsoever.

Gender.

Words importing the masculine gender shall include the feminine.

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Power to extend Act.

II. It shall be competent to the Lieutenant-Governor of Bengal, whenever he may think fit to extend, by a Notification to be published in three successive numbers of the *Calcutta Gazette*, all or any of

the sections of this Act, to any city, town (save the town of Calcutta as defined by Act VI of 1863 passed by the Lieutenant-Governor of Bengal in Council), or place within the territories subject to his government, and in such Notification to define, for the purposes of this Act, the limits of such city, town, or place, and from time to time to alter the limits so defined.

Penalty for owning or keeping, or having charge of a gaming-house.

III. Whoever, being the owner or occupier, or having the use of any house, tent, room, space, or walled enclosure, situate within the limits to which this Act applies, opens, keeps, or uses the same as a common gaming-house; and whoever, being the owner or occupier of any such house, tent, room, space, or walled enclosure as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used, or kept by any other person as a common gaming-house; and whoever has the care or management of, or in any manner assists in conducting, the business of any house, tent, room, space, or walled enclosure, as aforesaid opened, occupied, used, or kept for the purpose aforesaid; and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, tent, room, space, or walled enclosure, shall be liable, on conviction before any Magistrate, to a fine not exceeding two hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding three months.

Penalty for being found in a gaming-house.

IV. Whoever is found in any such house, tent, room, space, or walled enclosure playing or gaming with cards, dice, counters, money, or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake, or otherwise, shall be liable, on conviction before any Magistrate, to a fine not exceeding one hundred rupees, or to imprisonment of either description as defined in the Indian Penal Code, for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

V. If the Magistrate of a district, or other officer invested with the full powers of a Magistrate, or the District Superintendent of Police upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, tent, room, space, or walled enclosure is used as a common gaming-house, he may either himself enter, or by his warrant authorize any officer of police, not below such rank as the Lieutenant-Governor shall appoint in this behalf, to enter with such assistance as may be found necessary, by night or by day, and by force, if necessary, any such house, tent, room, space, or walled enclosure, and may either himself take into custody, or authorize such officer to take into custody, all persons whom he or such officer finds therein, whether or not such persons may be then actually gaming; and may seize or authorize such officer to seize all instruments of gaming, and all moneys and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein, and may search or authorize such officer to search all parts of the house, tent, room, space, or walled enclosure which he or such officer shall have so entered, when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody; and may seize or authorize such officer to seize and take possession of all instruments of gaming found upon such search.

Power to enter and authorize police to enter and search.

VI. When any cards, dice, gaming-table, cloth, boards, or other instruments of gaming are found in any house, tent, room, space, or walled enclosure entered or searched under the provisions of the last preceding section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, tent, room, space, or walled enclosure is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually

Finding cards, &c., in suspected houses to be evidence that such houses are common gaming-houses.

seen by the Magistrate or police officer, or by any person acting under the authority of either of them.

Penalty on persons arrested for giving false names and addresses.

VII. If any person found in any common gaming-house entered by any Magistrate or officer of police under the provisions of this Act, upon being arrested by any such officer, or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may, upon conviction before the same or any other Magistrate, be adjudged to pay any penalty not exceeding five hundred rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

On conviction for keeping a gaming-house, instruments of gaming to be destroyed.

VIII. On conviction of any person for keeping or using any such common gaming-house, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money, and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof with all moneys seized therein to be forfeited; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for stakes unnecessary.

IX. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing therein at any game was playing for any money, wager, or stake.

Act not to apply to certain games.

X. Nothing in the foregoing provisions of this Act contained shall be held to apply to billiards, whist, or any other game of mere skill wherever played.

XI. A Police Officer may apprehend without warrant any person found playing for money or other valuable thing with cards, dice, counters, or other instruments of gaming, used in playing any game, not being a game of mere skill, in any public market, fair, street, place, or thoroughfare situated within the limits aforesaid, or any person setting any birds or animals to fight in any public market, fair, street, place, or thoroughfare situated within the limits aforesaid, or any person there present aiding and abetting such public fighting of birds and animals. Such person, when apprehended, shall be brought without delay before a Magistrate, and shall be liable to a fine not exceeding fifty rupees, or to imprisonment, either simple or rigorous, for any term not exceeding one calendar month, and such Police Officer may seize all birds and animals and instruments of gaming found in such public place or on the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed, and such birds and animals to be sold.

Gaming and setting birds and animals to fight in public streets.

Destruction of instruments of gaming found in public streets.

XII. Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed. But such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure as to the amount of fine or imprisonment he may inflict.

Offences by whom triable.

XIII. Whoever, having been convicted of an offence punishable under this Act, shall be guilty of any such offence, shall be subject for every such subsequent offence to double the amount of punishment to which he would otherwise have been liable for the same: Provided that he shall not be liable in any case to a fine exceeding six hundred rupees, or to imprisonment for a term exceeding one year.

Penalty for subsequent offence.

XIV. The provisions for the recovery of fines contained in sections 64, 65, 66, and 67 of the Indian Penal Code, and section 61 of the Code of Criminal Procedure, shall apply to all

Recovery and application of fines.

fines and penalties imposed under this Act in any town or place other than the Town of Calcutta; and such fines shall (subject to the provisions contained in the last preceding section) be applied as the said Lieutenant-Governor shall from time to time direct. And the provisions of Act IV of 1866 passed by the Lieutenant-Governor of Bengal in Council, and of every other Act for regulating the Police of the Town of Calcutta for the time being in force, shall apply to all fines and penalties imposed under this Act by any Magistrate of Police for the Town of Calcutta.

Offences under this Act to be offences within meaning of Penal Code.

XV. Any thing made punishable by this Act shall be deemed to be an "offence" within the meaning of the Indian Penal Code.

Certain sections of Act to apply without extension:

XVI. The provisions of sections VII and XI of this Act shall, from and after the passing of this Act, apply to the Town of Calcutta, and to the Suburbs of the Town of Calcutta, as the same may be from time to time defined by any Notification published by the Lieutenant-Governor in pursuance of Act II of 1866 passed by the Lieutenant-Governor of Bengal in Council; and the provisions of section XIII of this Act shall, from and after the passing of this Act, apply to the whole of the said territories.

Immediate and prospective repeal of certain sections of Acts II and IV (B.C.) of 1866.

XVII. From and after the passing of this Act, the provisions of section XXXII of Act II of 1866, passed by the Lieutenant-Governor of Bengal in Council, and of section LII of Act IV of 1866, passed by the same authority, shall stand and be repealed; and from and after any extension of this Act to the Suburbs of the Town of Calcutta, the provisions of sections XXV, XXVI, XXVII, XXVIII, XXIX, and XXX of the said Act II of 1866 shall stand and be repealed.

Reg. No. 15889—D. E J—300—20-12-77

ACT No. III OF 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 20th March* 1867, *and of the Governor-General on the 30th April* 1867.)

An Act to amend the law relating to Ships lying in Ports in the Provinces under the control of the Lieutenant-Governor of Bengal.

Preamble.

WHEREAS it is expedient to amend the law relating to Merchant Ships lying in Ports in the Provinces under the control of the Lieutenant-Governor of Bengal; It is enacted as follows :—

Interpretation.

I. The following words and expressions for the purposes of this Act have the meanings hereby assigned to them, unless where a contrary intention appears from the context, that is to say—

"Master."

The word "Master" denotes any person having temporary or permanent command or charge of any vessel otherwise than in the capacity of Pilot or Harbour Master.

"Owner."

The word "Owner" includes any Agent acting for and on behalf of the owner of a Ship at the Port at which such Ship shall lie or be.

"Port."

The word "Port" denotes any Port within the Provinces aforesaid, subject to the provisions of Act XXII of 1855 (*for the regulation of Ports and Port-dues*).

"Magistrate."

The word "Magistrate" includes any Officer exercising any of the powers of a Magistrate under the Code of Criminal Procedure, and any Magistrate of Police for the Town of Calcutta.

[*Price* 1 *anna.*]

"Municipal Town."

The expression "Municipal Town" denotes the Town of Calcutta and every town, suburb, station, bazar, village, and tract of country to which the provisions of Act III of 1864 (*the District Municipal Improvement Act*) passed by the Lieutenant-Governor of Bengal in Council have been or shall be extended.

Number.

Words importing the singular number include the plural, and words importing the plural number include the singular.

Penalty for not having a sufficient crew on board vessels lying in Port.

II. If any vessel of more than ten tons' burden shall, without such license as hereinafter is mentioned, be afloat in any Port within the Provinces under the control of the Lieutenant-Governor of Bengal, without having on board thereof a crew of not less than the number set forth in the first Schedule hereto, the Master of such vessel, and in case there shall be no Master of such vessel, then the owner thereof, shall be punished with a fine not exceeding five hundred Rupees.

Power to grant exemption from maintaining crew on board particular ships.

III. Whenever it shall appear to the Conservator of any Port that any vessel in such Port may, without danger to other vessels in such Port, be afloat without such crew as hereinbefore is mentioned being maintained thereon, it shall be lawful to such Conservator, if he shall think fit, to grant under his hand a license in the Form A in the second Schedule hereto, which license may be made determinable on the breach of any conditions therein contained; and during the continuance of such license, the provisions of Section II of this Act shall not apply to such vessel.

Power to revoke exemption.

IV. It shall be lawful for such Conservator, by any writing under his hand in the Form B in the second Schedule hereto, to revoke such license; and from and after the publication of such revocation, by posting a copy thereof upon some conspicuous part of such vessel, the provisions of Section II of this Act shall apply to such vessel and to the Master and owner thereof, as if no such license had ever been granted.

V. Whenever it shall appear to the Conservator of any Port that any creek, river, or dock is so situate that vessels without any crew therein may remain afloat in such creek, river, or dock, without danger to any vessels in any part of such Port, it shall be lawful for such Conservator to make an order in the Form C in the second Schedule hereto, and from time to time, if he shall think fit, to revoke or amend such order. Provided always that every such order, amendment, and revocation shall be published in the *Calcutta Gazette*, and that no such order, amendment, or revocation shall have any force or effect until it shall have been so published.

Power to make order with respect to portions of ports.

VI. During such time as any such order shall remain in force, the provisions of Section II of this Act shall not apply to any vessel lying or being within the limits of any such creek, river, or dock, as the same shall be defined by such order.

During continuance of order, ships in such portions of Ports to be exempt from necessity of maintaining crews.

VII. The Master of any vessel in which fire shall take place while lying or being in any Port, who shall wilfully omit to take order to extinguish such fire, shall be punished with imprisonment of either description which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Penalty on Master omitting to take order to extinguish fire.

VIII. It shall be lawful for the Lieutenant-Governor of Bengal to order (if and when he shall in his discretion think fit) that the entire or any portion of the expense of maintaining the Police Force in any Port which may be within or abutting upon any Municipal Town shall be borne by and paid out of the Port Fund of such Port.

Power to charge Port Police upon Port Fund.

IX. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, to assign to the persons charged with the management of the Municipal Fund of any Municipal Town upon which any Port may be abutting, or within

Power to charge upon Port Fund a portion of expense of Municipal Police.

which any Port may be, such annual sums to be charged upon and payable out of the Port Fund of such Port as to him shall seem just and reasonable for or towards reimbursing to such Municipal Fund such portion of the expense of the Police Force in such town as may, in the opinion of the said Lieutenant-Governor of Bengal, be rendered necessary by the resort to such town of seamen from ships lying or being in such Port.

Power to impose Police Port-dues.

X. In case the Port Fund of any Port shall, after providing for the payment of all sums and charges now by law payable out of such Port Fund, be insufficient to pay any expense of Police and annual sums which shall, under the provisions aforesaid, be payable thereout, it shall be lawful for the said Lieutenant-Governor of Bengal, and he is hereby required, to order that there shall be paid, in addition to all Port-dues and charges payable in respect of any ship from time to time lying or being in such Port, such Port-dues to be called Police Port-dues, as shall thereunto be necessary. Provided that the same shall not exceed the Port-dues in that behalf mentioned in the third Schedule to this Act.

Power to impose Hospital Port-dues.

XI. It shall be lawful for the Lieutenant-Governor of Bengal (in case he shall think fit) to order that there shall be paid, in respect of every ship from time to time lying or being in any Port, within a reasonable distance of which there may be a public Hospital suitable for the reception of seamen requiring medical aid, such further Port-dues as to him shall seem proper, to be called Hospital Port-dues. Provided that the same shall not exceed the Port-dues in that behalf mentioned in the said third Schedule.

Application of Hospital Port-dues.

XII. Such Hospital Port-dues shall, from time to time, be paid or applied towards the support of any such Hospital or Hospitals as aforesaid, and in such proportions as the Local Government may direct.

XIII. It shall be competent to the Officer in charge of any Custom House to refuse Port clearance to any vessel until all expenses, which by the Merchant Shipping Act, 1854, Section 228, are to be borne by the owner thereof, incurred since the arrival of such vessel in the Port from which she seeks clearance, shall have been duly paid.

Power to refuse Port clearance till expenses under Merchant Shipping Act, 1854, be paid.

XIV. It shall be lawful for the owner of any vessel to pay to the Conservator of any Port three times the amount of the Police Port-dues and Hospital Port-dues which would, for the time being, be payable in respect of such vessel, and thereby to discharge such vessel from all further Police Port-dues and Hospital Port-duos in such Port for the space of twelve calender months from the day of the date of such payment.

Power to compound Port-dues.

XV. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, to vary the rate of Police Port-dues and Hospital Port-dues payable in any Port, as to him in his discretion shall seem fit, so as that the same shall not exceed the rates in the third Schedule respectively set forth.

Power to vary Port-dues.

XVI. No order of the Lieutenant-Governor of Bengal, imposing or increasing any Port-dues under this Act, shall take effect until the expiration of six calender months from the day upon which such order shall have been published in the *Calcutta Gazette*.

Imposition or increase of Port-dues to be published.

XVII. All complaints as to offences against this Act shall be heard and determined by a Magistrate within whose local jurisdiction the offence may be alleged to have been committed: and the provisions for the recovery of fines contained in Sections 64, 65, 66, and 67 of Act XLV of 1860 (*the Indian Penal Code*) and in Section 61 of Act XXV of 1861 (*the Code of Criminal Procedure*) shall apply to all fines and penalties imposed under this Act by any Magistrate in any Port other than the Port of Calcutta; and the provisions

Recovery of penalties.

of Act IV of 1866 passed by the Lieutenant-Governor of Bengal in Council, and every other Act for regulating the Police of the Town of Calcutta in force for the time being, shall apply to all fines and penalties imposed under this Act by any Magistrate of Police for the Town of Calcutta.

Penalties how to be disposed of.

XVIII. All penalties levied under this Act shall be applied as fines received under the said Act XXII of 1855 are directed to be applied.

Act to be construed with Act XXII of 1855.

XIX. This Act shall be construed together with and as part of the said Act XXII of 1855.

Commencement of Act.

XX. This Act shall commence and take effect on the first day of April 1867.

FIRST SCHEDULE (*referred to in Section II.*)

	If Natives.	If Europeans.	Officers in charge.
Cargo Boats	4	4	0
Vessels, not being Cargo Boats, of 600 tons and under, in moorings ...	6	4	1
For every additional 100 tons	1½	1	0
Vessels, not being Cargo Boats, of 600 tons and under, in stream ...	11	7½	1
For every additional 100 tons	2	1	0

SECOND SCHEDULE (*referred to in Sections III, IV, and V.*)

FORM A.

Port of ( )

I ( ) Conservator of the Port of do hereby license the (*ship*) of which is Master, to remain at her present moorings in the said Port, without having on board the crew required by

Act III of 1867 of the Lieutenant-Governor of Bengal in Council. Provided always that, on breach of any of the conditions hereunder written, this license shall forthwith absolutely cease and determine.

FORM B.

Port of ( )

I ( ) Conservator of the Port of ,

do hereby revoke all license to the (*ship*) to remain in Port without a crew therein.

FORM C.

Port of ( )

I ( ) the Conservator of the Port of ,

do hereby order that vessels lying in the following portion of the said Port (*here set out the exempted limits*) shall be exempt from the provisions of the second Section of Act III of 1867 passed by the Lieutenant-Governor of Bengal in Council.

THIRD SCHEDULE (*referred to in Sections X, XI, and XV.*)

PORT-DUES.

Police Port-dues.

For every vessel entering any Port, two annas per ton.

Hospital Port-dues.

For every vessel entering any Port, one anna per ton.

ACT No. IV. OF 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 30th April* 1867, *and of the Governor-General on the 21st May* 1867.)

An Act to explain and amend Act VI of 1862 *passed by the Lieutenant-Governor of Bengal in Council, and to give validity to certain judgments.*

Preamble.

WHEREAS certain appeals under Act X of 1859 of the Governor-General of India in Council, entitled an Act to amend the Law relating to the recovery of rent in the Presidency of Fort William in Bengal, and under Act VI of 1862 passed by the Lieutenant-Governor of Bengal in Council, entitled an Act to amend Act X of 1859, have been referred to Deputy Collectors by Collectors under the belief that power so to refer such appeals is conferred by Section XIX of the said Act VI of 1862; and whereas some of the said appeals so referred have been heard and determined by such Deputy Collectors; and whereas certain appeals have been heard and determined by Deputy Collectors placed in charge of sub-divisions of districts under the belief that they had power to hear and determine such appeals; and whereas it is expedient that the judgments passed by such Deputy Collectors on such appeals should be made valid, and that provision should be made for the more speedy determination of appeals in certain cases; It is hereby declared and enacted as follows:—

Interpretation.

I. Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

[*Price 6 pice.*]

Orders made by Deputy Collectors on referred appeals confirmed.

II. Save as hereinafter appears, every judgment, decree, and order, before the passing of this Act, passed or made on any appeal by any Deputy Collector to whom such appeal may have been referred by the Collector having jurisdiction to decide such appeal, shall be as valid and binding and have the same force and effect as if the same had been passed or made by such Collector.

Orders on appeals made by Deputy Collectors in charge of Sub-divisions confirmed.

III. Save as hereinafter appears, every judgment, decree, and order, before the passing of this Act, passed or made by any Deputy Collector placed in charge of any Sub-division of a District, upon any appeal from any judgment, decree, or order made under the said Act X of 1859, or the said Act VI of 1862, by any Officer within such Sub-division, shall be as valid and binding as if such judgment, decree, or order of such Deputy Collector had been made by the Collector of the District within which such Sub-division is situate.

Proviso when appeals have been re-heard by a Collector.

IV. Provided always that in case any appeal upon which a judgment, decree, or order may have been passed or made by any Deputy Collector, shall, before the passing of this Act, have been re-heard by a Collector, the judgment, decree, or order of such Deputy Collector upon such appeal shall not become valid or binding under or by virtue of anything hereinbefore contained.

Appellate jurisdiction may be exercised by officers specially appointed by the Lieutenant-Governor.

V. From and after the passing of this Act, it shall be competent to the Lieutenant-Governor of Bengal specially to appoint any fully qualified Revenue Officer to exercise the powers of the Collector of a District for the purpose of enabling him to hear and determine appeals under the said recited Acts, and such persons so specially appointed shall have and exercise all such and the same powers in regard to the hearing of such appeals as the Collector of the District, within which such person shall be so appointed, might have and exercise.

ACT No. V. OF 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the* 23*rd May* 1867, *and of the Governor-General on the* 30*th idem.*)

An Act for shortening the language used in Acts passed by the Lieutenant-Governor of Bengal in Council.

Preamble.

WHEREAS certain provisions are commonly inserted in Acts passed by the Lieutenant-Governor of Bengal in Council for the interpretation of such Acts, and it is expedient to avoid the frequent repetition of such provisions; It is declared and enacted as follows:—

Interpretation of certain words in future Acts.

I. In all Acts passed after the commencement of this Act, and containing nothing expressly to the contrary, words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural, and the plural the singular; the word "Magistrate" shall include all person exercising all or any of the powers of a Magistrate; the word "person" shall include any incorporated Company or incorporated association persons; the word "month" shall be taken to mean calen of month, unless words be added showing lunar month t ge of intended; the word "land" shall include houses and buil and corporeal hereditaments and tenements of any tenure, u where there are words to exclude houses and buildings, o any restrict the meaning to tenements of some particular ten and the words "oath," "swear," and "affidavit" shall inc ation, affirmation, declaration, affirming, and declaring, in the case o ons persons by law allowed to declare or affirm instead of swearing.

[*Price* 6 *pies.*]

Repealed Acts not to be revived.

II. Wherever any Act shall, after the time fixed for commencement of this Act, be passed pealing in whole or in part any former A or Regulation, and such Act shall itself be repealed, such la repeal shall not revive the Act or Regulation or provisions befor repealed, unless words be added reviving such Act, Regulation or provisions.

Repealed provisions to continue in force till substituted provisions come into operation.

III. Wherever any Act shall, after the time fixed for the commencement of this Act, be passed repealing in whole or in part any former Act, and substituting some provision or provisions instead of the provision or provisions so repealed, the provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by force of the last mentioned Act.

Provision for the recovery of fines.

IV. The provisions of Sections 63, 64, 65, 66, 67, 68, 69, and 70 of the Indian Penal Code, and of Section 61 of the Code of Criminal Procedure, shall apply to all fines which may be imposed under the authority of any Act hereafter to be passed.

Commencement of Act.

V. This Act shall commence and take effect upon the first day of June now next ensuing.

ACT No. VI of 1867.

Passed by the Lieutenant-Governor of Bengal in Council.

(*Received the assent of the Lieutenant-Governor on the 30th April* 1867, *and of the Governor-General on the 3rd June* 1867.)

An Act for the better regulation of the Police in Towns and Municipalities in the Territories under the Control of the Lieutenant-Governor of Bengal.

Preamble.

Whereas it is expedient to make better provision for the regulation and maintenance of the police force employed in towns and municipalities in the territories under the control of the Lieutenant-Governor of Bengal; It is enacted as follows—

Interpretation.

I. The following words and expressions in this Act shall have the several meanings hereby assigned to them, except where a different intention shall appear from the context, that is to say—

"Magistrate."

The word "Magistrate" shall include the Magistrate of a district, or a Magistrate in charge of a division of a district.

"House."

The word "house" shall include any shop or warehouse.

"Town."

The word "town" shall mean any city, town, suburb, station, or bazar, or union, to which the provisions of Act XX of 1856, passed by the Governor-General of India in Council, shall have been extended, and to which the provisions of Act III of 1864, passed by the

Lieutenant-Governor of Bengal in Council, shall not have been extended.

"Municipality."

The word "municipality" shall mean any town, suburb, station, bazar, village, or tract of country to which the said Act III of 1864 shall have been extended.

Gender.

Words importing the masculine gender shall include the feminine.

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Police in towns and municipalities to be appointed under Act V of 1861.

II. From and after the commencement of this Act, no police chowkidars shall be appointed, continued, or employed in any town or municipality under the provisions of Act XX of 1856 passed by the Governor-General of India in Council; and all police officers appointed or employed in any town or municipality shall be appointed under the provisions of Act V of 1861 passed by the Governor-General of India in Council, and shall be deemed to be a portion of the police establishment under the local Government of the Lieutenant-Governor of Bengal, and shall, save as hereinafter appears, be subject to the provisions of the said Act V of 1861.

Repeal of clauses.

III. From and after the commencement of this Act the various portions of Acts set forth in the schedule hereto, shall stand and be repealed except as to any act which shall have been done, or any liability which shall have been incurred, before the passing of this Act, and except so far as they repeal the whole or any part of any other Act or Ordinance, or Regulation.

District Superintendent of Police to prepare a budget.

IV. From and after the commencement of this Act every District Superintendent of Police, on or before the first day of November in each year, shall prepare, in such form as may from time to time be directed by the Lieutenant-Governor of

Bengal, a budget or estimate of the income and expense of the police force in every town and municipality within his district, for the year to commence on the first day of January next after the preparation of such budget, and present the budget of every such town or municipality to the Magistrate thereof.

Contents of budget.

V. Every such budget shall show the number, constitution, and salaries of the police force to be maintained in any such town or municipality, and shall state whether the whole or some, and what part of such expense is to be borne by rates to be levied in the town or municipality to which the same refers. Provided that the expense so to be borne in any town shall not exceed the average rate of two annas per mensem for each house, and that the expense so to be borne in any municipality shall not exceed five rupees per centum of the annual value of all houses, buildings, and lands within the local limits of such municipality.

Magistrate to consider budget.

VI. The Magistrate of every such town or municipality shall forthwith after the receipt of such budget, lodge the same in his office, and shall cause the same to be translated into the language usually spoken in such town or municipality, and shall cause the same, or the translation thereof, to be laid before the Municipal Commissioners of such municipality at their next general meeting, or before the punchayet appointed under the said Act XX of 1856 of such town, and shall, during fourteen days after such budget shall have been so received, permit the same and the translation thereof to be inspected at all reasonable times and seasons by any rate-payer of such town or municipality who may desire to inspect the same.

Budget to be transmitted to Lieutenant-Governor.

VII. Immediately after the expiration of fourteen days from the receipt of any such budget the Magistrate who shall have received the same shall transmit to the Lieutenant-Governor of Bengal such budget, together with any remarks or objections made by the said Municipal Commissioners or the said punchayet, as the case may be.

VIII. It shall be lawful for the said Lieutenant-Governor to consider such budget so transmitted to him, and to approve or to reject, or modify and approve as modified, such budget or any part thereof.

Lieutenant-Governor to decide on budget.

IX. So much of the estimates in such approved budget as may thereby be directed to be borne by the rates to be levied in such town or municipality shall, for the purposes of this Act, be the expense of the police to be borne by such town or municipality for the year for which such budget shall have been presented.

Amount of estimate in budget to be deemed expense of police force.

X. The Municipal Commissioners in every municipality shall, out of the annual rates of such municipality, cause to be paid to the said Lieutenant-Governor the expense of the police force of such municipality by equal quarterly instalments, which said instalments shall respectively be payable upon such quarterly days of payment as shall from time to time be fixed by the said Lieutenant-Governor for the payment thereof by such Municipal Commissioners.

Municipal Commissioners to pay amount of expense to Lieutenant-Governor.

XI. The Magistrate of every town shall, by the ways and means in and by the said Act XX of 1856 provided for raising the amount of the expense of chowkidars appointed under the same Act, cause to be levied and raised in such town the amount of the expense of the police to be borne under this Act by such town and the cost of raising such amount.

Magistrate to raise amount of expense.

XII. Nothing in this Act shall deprive the Commissioner of Police for the Town of Calcutta of any power or authority over the police within the town of Calcutta and the suburbs thereof, in him vested by Act IV of 1866 or Act II of 1866 of the Lieutenant-Governor of Bengal in Council, or otherwise ; and the Inspector-General of Police shall not exercise over the police within the said town or suburbs any of the powers or authorities to him confided by the said Act V of 1861.

Saving of powers of Police Commissioner in Calcutta.

XIII. The Deputy Commissioner of Police for the suburbs of Calcutta shall, for the purposes of this Act, be deemed to be the District Superintendent of the said suburbs.

Deputy Commissioner to perform duties of District Superintendent under this Act.

XIV. This Act shall, so far as respects the preparation, presentation, inspection, consideration, and approval of budgets, commence and take effect upon the first day of September now next ensuing, and as to the residue thereof, shall commence and take effect upon the first day of January 1868.

Commencement of Act.

SCHEDULE OF LAWS REPEALED—(*Referred to in Section III.*)

Number and date of Act.	Title.	Extent of repeal.
Act XX of 1856 ...	An Act to make better provision for the appointment and maintenance of police chowkidars in cities, towns, stations, suburbs, and bazars, in the presidency of Fort William in Bengal.	Sections 7, 8, 9, 11, 32, 33, 35, 50, 51, 52, 53, 54, 55, and 56.
Act III of 1864 passed by the Lieutenant-Governor of Bengal in Council.	An Act to provide for the appointment of Municipal Commissioners in towns and other places in the provinces under the control of the Lieutenant-Governor of Bengal, and to make better provision for the conservancy, improvement, and watching thereof, and for the levying of rates and taxes therein.	Section 34.

Reg. No. 2794—J. A. R.—500-12-3-77.

ACT No. VII OF 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 30th May 1867 and of the Governor-General on the 17th June 1867.)

An Act to amend Act III of 1864 passed by the Lieutenant-Governor of Bengal in Council.

Preamble.

WHEREAS it is expedient to amend Act III of 1864 passed by the Lieutenant-Governor of Bengal in Council, in the manner hereinafter expressed;

It is enacted as follows:—

Interpretation.

I. The following words and expressions in this Act and the said Act III of 1864 shall have the several meanings hereby assigned to them, except where a different intention shall appear from the context, that is to say:—

"Owner."

The word "Owner" shall mean the person for the time being receiving, either on his own account or as Agent or Trustee for another, the rent of land from the tenant in actual occupation thereof, or who would so receive the same, if such land were actually occupied by a tenant. Provided that no owner receiving rent as an Agent or Trustee shall be liable to pay any assessment under the said Act or this Act, unless he have sufficient funds of his principal or belonging to the Trust in his hand.

"Inhabitant."

The word "Inhabitant" shall include any owner of property in any place, although he may not be resident therein.

PRICE 1 ANNA.

Service of notices.

II. Every bill, notice, schedule, summons, or notice of demand regarding any assessment, rate or tax, or any money due in respect of the same, may be served personally upon the person to whom the same is addressed, or be left at his usual place of abode with some adult male member or servant of his family, or if it cannot be so served, may be put up on some conspicuous part of such place of abode, and shall thereby be deemed to be duly served. Provided that, if the place of abode of the owner of any house, building or land in respect of which a rate is assessed be unknown, or if the owner of any such house, building, or land be not resident within the limits of the place, every such bill, notice, summons, or notice of demand shall be deemed to have been duly served, if put up on some conspicuous part of the house, building, or land in respect of which the rate is assessed.

Proviso.

Power to assess upon a house consolidated rate for house and ground on which it stands.

III. Whenever any house or building belongs to one owner and the ground on which the same stands, and which is usually occupied therewith, belongs to another, it shall be lawful for the Municipal Commissioners to assess such house or building and ground together at one consolidated rate, which shall be payable by the owner of the house or building. After so paying the consolidated rate the owner of the house or building shall be entitled to deduct from the rent which he pays for the ground, such proportion of the rate so paid by him as is equal to the proportion which his rent bears to the annual value on which the rate has been assessed.

Rate due from non-resident owner may be recovered from occupier, and deducted by him from his rent.

IV. If the sum due on account of any rate from the owner of any house, building, or land remains unpaid after the notice of demand has been duly served, and such owner be not resident within the place, or the place of abode of such owner be unknown, the Municipal Commissioners may demand the amount from the occupier for the time being of such house, building, or land, and, on non-payment thereof, may

recover the same by distress and sale of any goods and chattels found on the premises, and whenever such rate shall be paid by or recovered from such occupier, he may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from, him. Provided that no arrear of rate, which has remained due from the owner of any house, building, or land for more than one year, shall be so recovered from the occupier thereof. Provided also that, if the rate so deducted is a consolidated rate payable by the owner of a house or building under Section 3 of this Act, the same shall, after such deduction, be deemed to have been paid by such owner within the meaning of the last mentioned section.

Assessment not to be impeached, if the directions of the Act are in substance complied with.

V. No assessment, and no charge or demand of a rate or tax made under the authority of the said Act III of 1864, of this Act, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to the rate or tax, or any mistake in the amount of assessment, provided the directions of the said Act III of 1864, and of this Act, be in substance and effect complied with; and no proceedings under this Act shall, for want of form, be quashed or set aside in any Court of Justice.

Distress not unlawful for want of form.

VI. No distress levied by virtue of the said Act III of 1864, or of this Act, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio*, on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any Court of competent jurisdiction.

District Superintendent of Police to be *ex-officio* Municipal Commissioner.

VII. In addition to the Municipal Commissioners mentioned in the said Act III of 1864, the person for the time being filling the office of District Superintendent of Police in any District

within which any place may be situated shall be *ex-officio* a Municipal Commissioner for such place.

Commissioners may expend a certain monthly sum for hospitals or dispensaries.

VIII. It shall be lawful for the Municipal Commissioners of any place, with the sanction of the Lieutenant-Governor of Bengal, from time to time to apply out of the Municipal Fund of such place such monthly sum, not exceeding two hundred and fifty rupees, as to them shall seem fit, in or towards the maintenance and support of an hospital or dispensary in such place for the benefit of the poor inhabitants thereof.

Commissioners may provide expense of vaccination.

IX. It shall be lawful for the Municipal Commissioners of any place, out of the Municipal Fund thereof, from time to time, to make such provision as to them shall seem fit, for the vaccination of all persons resident in such place.

Commissioners indemnified as to monies heretofore expended on account of vaccination, hospitals, or dispensaries.

X. All monies which may have been heretofore expended out of the Municipal Fund of any place by the Municipal Commissioners thereof, in making provision for the vaccination of persons resident therein, or in or towards the maintenance or support of an hospital or dispensary for the benefit of the poor inhabitants of such place, shall be deemed to have been properly applied out of the said Municipal Fund.

Power to contract for lighting streets.

XI. With the sanction of the Lieutenant-Governor of Bengal, the Municipal Commissioners of any place may, if they shall so resolve at any meeting, contract with any person for the lighting of the streets of such place by such person on such terms as to yearly or other payment as may be agreed on, and may provide for such payment out of the rates levied under the said Act III of 1864 and this Act.

Construction.

XII. This Act shall be construed with and as part of the said Act III of 1864.

Reg. No. 5158—300—24-11-75.

ACT No. VIII of 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 13th June 1867, and of the Governor-General on the 27th idem*)

An Act to provide for the recovery of rates for water supplied by the East India Irrigation and Canal Company.

Preamble.

WHEREAS by a certain Indenture bearing date the 16th day of June 1862 and made between the Secretary of State for India in Council of the one part, and the East India Irrigation and Canal Company (hereinafter called The Company) of the other part, it was amongst other things agreed that the Company should construct certain works for irrigation, navigation, and the supply of water in the Districts and Deltas of the rivers Mahanuddy, Byturny, and Brahmany, and their affluents, and that when and so soon as any part of the said works should be certified as completed, so as to be available for the purposes of supplying water for the irrigation of land, the Company should sell to the said Secretary of State alone, and the Secretary of State should purchase, the water which, according to the Company's store or flow of water, and consistently with their other arrangements, should be capable of being supplied for the irrigation of land, but to the extent only to which the cultivators of such land might be willing to

take the same at the prices fixed as thereinafter is mentioned, and that the Company should supply such water in such manner and to such person or persons as the Governor-General of India should, from time to time, direct; and whereas a portion of the said works have been completed so as to be available for the purpose of supplying water for the irrigation of land: And whereas it is expedient that provision should be made for the speedy recovery of rates or dues for water supplied for irrigation, and of claims connected with such rates and such water so supplied, and for the prevention of waste and abstraction of such water: It is hereby enacted as follows :—

Interpretation.

I. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context opposed to such construction :—

"Water-rates."

The expression "water-rates" shall mean sums payable for water taken for purposes of irrigation.

"Arrears of water-rates."

The expression "arrears of water-rates" shall mean any sum which by any agreement shall be payable to the Secretary of State for India in Council for water-rates, and which shall not have been paid on or before the day upon which by such agreement it became payable.

"Channel."

The word "channel" shall include any water-course through which water may, with the consent of the Company, be conveyed from the canals of the Company.

Water shall be supplied from canals.

II. Water for the purpose of irrigation shall be supplied from the canals of the Company to such persons and in such manner as the Lieutenant-Governor of Bengal shall from time to time direct, and at rates and under rules to be fixed from time to time in accordance with the provisions of the said Indenture of the 16th day of June 1862, and such rules and rates shall from time to time be published in the Calcutta Gazette.

Water-rate to be deemed rent.

III. All rates which shall be payable under this Act for water supplied for the purposes of irrigation shall be deemed rent payable on a pottah or engagement under Act X of 1859, and the provisions of the last mentioned Act and of every other Act for the time being in force for the recovery of rent shall be applicable to the recovery of such arrears of water-rate. Provided that the claim (if any) for rent due in respect of the land held by the person in arrear shall have priority over any arrears of water-rate.

Suits to be heard in Collector's Court.

IV. The following suits shall be cognizable by the Collector of Land Revenue under the provisions of, and in accordance with the procedure of Act X of 1859, passed by the Governor-General of India in Council, so far as the same may be applicable thereto, and except in the way of appeal as provided by the said Act, shall not be cognizable in any other Court, or in any other manner, that is to say:—

1*st*.—All suits for damages on account of the illegal exaction of water-rates, or on account of the refusal of receipts for water-rates paid, or on account of the extortion of water-rates by confinement or other duress.

2*nd*.—All suits for arrears of water-rates due on account of water supplied from the works of the East India Irrigation and Canal Company, under this Act.

3*rd*. All suits to cancel any agreement under this Act for the supply of water from the said works on account of the non-payment of arrears of water-rates, or on account of a breach of the conditions by which such agreement may be liable to be cancelled.

4*th*.—All suits arising out of the exercise of the power of distraint under the said Act X of 1859, which power is by Section III of this Act extended to the collection of water-rates, or out of any acts done under color of the exercise of the said power of distraint.

5th.—All suits in respect of any refusal, irregularity, or insufficiency of the supply of water from the works of the aforesaid Company, whether between the farmer or collector of the water-rates on behalf of Government and the East India Irrigation and Canal Company, or between such farmer or collector and the consumers of the water supplied from the works of the said Company.

6th.—All suits by persons in receipt of the water-rates against any agents employed by them in the collection of such water-rates or the sureties of such agents, for money received or for accounts kept by such agents in the course of such employment, or for papers in their possession.

Decrees and orders under this Act to be of the like force and effect as under Act X of 1859.

V. All decrees and orders under this Act shall be in the like form and shall be enforced in such and the same or the like manner, and by such and the same or the like powers, as if the same were decrees or orders for the same or the like purpose made in pursuance of the provisions of the said Act X of 1859.

Rates to be payable to Government.

VI. All water-rates shall be payable to the Secretary of State for India in Council.

Power to farm out rate.

VII. It shall be lawful for the Collector of the District in which any water-rate may be payable, either to collect such rate by officers appointed by him, or to let out the same to farm to any person. Every such farmer and his sureties, and his or their effects, shall be subject to such and the same and the like remedies, procedure and authority, as if he were the farmer from the Government of an estate for the purpose of collecting thereout the rent.

Agreements for payment of water-rate to be in writing.

VIII. All agreements for payment of water-rate, and receipts for payments made under such agreements, shall be in writing, and such agreements and receipts shall be in such form as from time to time shall be settled by the said Lieutenant-Governor.

IX. Every person who executes such agreement shall be entitled to receive from the person to whom such agreement is granted, a counterpart engagement in conformity with the terms of the agreement.

Counterpart to be executed.

X. In case any person who shall have agreed to take water for purposes of irrigation shall have permitted any arrear of water-rates to accrue due, it shall be lawful for the Collector of the District or the officer appointed by him under Section VII, or for the farmer of such water-rates, as the case may be, by notice in writing to require the said Canal Company to stop the further supply of water to such person, until he shall have paid up all arrears of water-rate then due by him; and the said Company shall not be entitled to receive from such farmer or collector, nor from the said Secretary of State, any payment in respect of any water which may be supplied to such person after the service upon the said Company of such notice, and during such time as his default continues.

Power to stop water supply.

XI. Every person under whose control any channel or either bank thereof may be, who shall negligently permit the escape of water from such channel, shall be liable, on conviction before a Magistrate, to a fine which may extend to fifty Rupees.

Penalty for negligently permitting escape of water.

XII. Whoever shall wilfully abstract water from any of the Company's canals or channels, without payment for, or entering into an agreement for the same, shall be punishable under Section 379 of the Indian Penal Code.

Theft of water.

XIII. It shall be lawful for any farmer or collector of water-rates, or for any officer of the Company duly authorized by such Company, with such servants and workmen as may be required, to enter into or upon any land through which any canal or channel of the Company may run or which may be irrigated with water flowing from the canals

Power of entry on land through which channel may run, or which may be irrigated by water from Company's canal.

of the Company, or for the purpose of measuring the extent of land so irrigated, or for the purpose of examining, repairing, and amending the banks of such canal or channel.

Lands irrigated without agreement to be subject to double rate.

XIV. If any person shall use water flowing from the canals of the Company for the purpose of irrigating land for the irrigation of which no agreement shall have been made, it shall be lawful for the farmer or collector of the water-rates within the limits of whose farm or collectorate such lands may be situate, to recover as an arrear of water-rate under this Act, from the person who shall so use such water, double the amount of water-rate which would be payable in respect of such lands in case an agreement for the irrigation of the same for one crop had been duly made.

Recovery of fines.

XV. All fines imposed under this Act may be recovered according to the provisions of the Code of Criminal Procedure.

ACT No. IX of 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 22nd June 1867, and of the Governor-General on the 1st July 1867.)

An Act to amend Act VI of 1863 and Act VI of 1866 passed by the Lieutenant-Governor of Bengal in Council.

Preamble.

WHEREAS it is expedient to amend Act VI of 1863 and Act VI of 1866 passed by the Lieutenant-Governor of Bengal in Council; It is enacted as follows:—

On payment of tax, Justices to grant license.

I. Whenever any person shall pay to the Justices the amount of the tax which, under the provisions of Section 37 of the said Act VI of 1863, and of the Schedule (A) to the said Act annexed, or of Section 5 of Act VI of 1866, shall be payable by such person in respect of all carriages, horses, ponies, and mules kept within the said Town, of which such person may be owner, the Justices shall grant to such person a license to keep within the said Town such carriages, horses, ponies, and mules during the current half-year ending upon the first day of January, or the 1st day of July, which shall occur next after the grant of such license.

License to be produced.

II. Every person to whom a license to keep any carriage, horse, pony, or mule may have been granted under this Act shall, at all reasonable times, while such license shall remain in force, if thereunto required by the said Justices, or any person duly authorised by

them, produce such license to the Justices, or to such person as they shall by writing thereunto appoint, and in default of such production shall be liable to a fine which may extend to one hundred Rupees.

Penalty on keeping carriages, &c., without a license.

III. Every person who, after the passing of this Act, shall be owner of any carriage, horse, pony, or mule kept within the Town, for keeping which within the said Town such persons shall not have any license under the provisions of the said Act VI of 1863, or of the said Act VI of 1866, or of this Act, shall be liable to a fine not exceeding three times the amount of the tax which would have been payable by such person for all carriages, horses, ponies, and mules kept without a license within the said Town of which such person may for the time being be owner, and not less than the amount of such tax. And upon the payment of such fine the Justices shall grant to such person such license as in Section 1 is mentioned, to keep within the Town the carriages, horses, ponies, and mules in respect of which such fine shall have been calculated.

Possession of carriages, &c., to be *primâ facie* evidence of ownership.

IV. Whoever personally or by his servants may be in possession of any carriage, horse, pony, or mule, shall, for the purposes of this Act, be deemed to be the owner thereof, and to have been the owner thereof from the first day of January or the first day of July then next preceding, unless and until the contrary shall be proved.

Power to compel production of the books of livery stable-keepers.

V. It shall be lawful for the Justices, by a notice in writing under their common seal, to require any person who shall carry on the trade or business of a livery stable-keeper, to produce, for the inspection of the said Justices, or of such person as they shall by such writing appoint, all books and accounts relating to the business of a livery stable-keeper carried on by such person. In case any person upon whom any such notice in writing may have been served shall, without reasonable cause, neglect or refuse to produce any such books and accounts as

aforesaid, he shall be liable to a penalty which may extend to one hundred Rupees.

Power to compel return of inhabitants of a house and of their professions.

VI. It shall be lawful for the Justices, by a notice in writing under their common seal, to require the person who for the time being shall occupy any house as owner or tenant thereof, to forward to the said Justices a list in writing signed by him of the names of all persons for the time being residing in such house and of their respective professions, trades, and occupations. Any person who shall so occupy any house, and shall, without reasonable cause, neglect or refuse to forward such list to the said Justices for the space of ten days after such notice shall have been served upon him, or shall wilfully forward an incorrect or untrue list to such Justices, shall be liable to a fine which may extend to one hundred Rupees.

Power to purchase land without the Town.

VII. It shall be lawful for the Justices, with the sanction of the Lieutenant-Governor of Bengal, to purchase any such land without the limits of the Town as may be required by them for the better effectuating any purpose for which the said Justices may purchase land within the Town.

Power to demise lands vested in Justices.

VIII. It shall be lawful for the Justices, with the sanction of the said Lieutenant-Governor, to demise or lease any lands or buildings vested in them by virtue of the said Act VI of 1863, or acquired by them for the purposes thereof, or of this Act; and all rents and reservations in any such demise or lease shall be applied to the purposes of the said Act VI of 1863.

Jutices not to borrow more than 55 lakhs of Rupees.

IX. It shall not be lawful for the Justices to borrow, by way of debenture or otherwise, any sum of money which, together with the amount which may for the time being be due on account of any debentures issued by the said Justices in pursuance of Section 93 of the said Act VI of 1863, shall exceed the sum of fifty-five lakhs of Rupees. Provided always that no sum which may for the time being be due to the Secretary of

State for India in Council on account of any loan from such Secretary of State in Council to the Justices for the purpose of effecting the supply of water to Calcutta, shall be included in the calculation of such sum of fifty-five lakhs of Rupees.

Power to determine prosecutions in absence of accused.

X. Whenever any prosecution shall be instituted before any Justice of the Peace under the provisions of the said Act VI of 1863 or of the said Act VI of 1866, or of this Act, he may summon the person charged to appear at a time and place to be mentioned in the summons; and if such person shall not appear according to the tenor of the summons, the Justices of the Peace before whom such summons shall be returnable may, upon proof of the service, if no sufficient cause shall be shewn for the non-appearance of the person charged, proceed to hear and determine the case in his absence.

The Justices to provide water-supply.

XI. The Justices shall provide a full supply of water within the Town, and shall for that purpose cause such mains and pipes to be laid, and such tanks, reservoirs, or other works to be made and constructed, as shall be necessary for the supply of water in all the chief public streets of the Town, and shall also erect, in all the aforesaid chief public streets, sufficient and convenient stand-pipes for the gratuitous use of the inhabitants of the Town. The said stand-pipes shall be so placed that there shall not be any portion of any of the said chief public streets, at a greater distance than one hundred and fifty yards from some such stand-pipe, and such stand-pipes shall, so far as may be reasonably practicable, at all times be kept charged with water.

Justices to notify the completion of arrangements for water-supply.

XII. When the Justices shall have provided all arrangements for the supply of water in the Town or in any division, portion, or street thereof, and such convenient mains and stand-pipes as aforesaid, the Justices shall, with the sanction of the Lieutenant-Governor of Bengal, declare, by notification published in the *Calcutta Gazette*, that the supply is complete within the Town, or any such division, portion, or street thereof.

XIII. After it has been notified as aforesaid that the water-supply in any division, portion, or street of the Town has been completed, it shall be lawful for the Justices to assess a water-rate upon all occupied houses and premises within such division, portion, or street of the Town. Such water-rate shall not exceed four per centum upon the annual value of the said houses and premises, and shall be payable at the times and levied from the persons and in the manner provided by Act VI of 1863 for the payment and levy of the water-rate, for the imposition of which authority is thereby given. Provided that no such rate shall be levied upon any houses with their appurtenances, lands, or premises of which there shall not be any portion situate within one hundred and fifty yards of some stand-pipe duly charged as aforesaid, such distance being measured along the main thoroughfare.

Imposition of water-rate.

XIV. If any house or tenement shall be occupied by more than one tenant holding in severalty, or shall be of less annual value than one hundred Rupees, it shall be lawful for the Justices to assess the owner of such house or tenement, or the owner of the land on which such house or tenement may be situate, and to recover from such owner the lighting and water-rates imposed thereon under the said Acts VI of 1863 and VI of 1866.

Power to assess owners in certain cases.

XV. Whenever any rate shall be recovered from, or paid by, any owner of any land, house, or tenement under the provisions of the Section next preceding, it shall be lawful for such owner, if there shall be but one occupying tenant of such land, house, or tenement, to recover from such tenant the entire amount of the rate which shall have been so paid by such owner; and if there shall be more than one occupying tenant of such land, house, or tenement, to recover from each of such tenants, such sum as shall bear to the entire amount of rate which may have been so paid by such owner the same proportion as the value of the portion of such land, house, or tenement in the occupation of

Owner to recover from occupier rates paid by owner.

such tenant bears to the entire value of such land, house, or tenement.

Owner for recovering rates to have same power as for recovering rent.

XVI. Every owner who, under the provisions of the Section next preceding, may be entitled to recover any sum from any occupying tenant of any land, house or tenement, or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to such owner by such tenant in respect of so much of such land, house, or tenement as may be in the occupation of such tenant.

Power to construct Railway.

XVII. It shall be lawful for the Justices, with the sanction of the Lieutenant-Governor of Bengal, upon any of the public roads or streets in the Town of Calcutta, or upon any land within or without the said Town, which may be or become vested in the Justices, to construct or maintain any Railway which to the said Justices may appear to be useful or necessary for the purposes of the said Acts VI of 1863 and VI of 1866, or of either of them, and with the like sanction to use and employ upon any such Railway, by them heretofore constructed or hereafter to be constructed, such locomotive engines or other moving power and such carriages and wagons to be drawn or propelled thereby, and to carry and convey upon such Railway all such passengers and goods as shall be offered to them for that purpose, and to make such reasonable charges in respect thereof, as they may from time to time with the like sanction determine upon.

Power to permit carriages of Railway Company to run.

XVIII. It shall be lawful for the Justices from time to time, with the sanction of the Lieutenant-Governor of Bengal, to enter into any contract with any Railway Company, for the passage over any Railway already constructed by the said Justices or hereafter to be constructed by them, of the engines, coaches, wagons, or other carriages of such Company, or which shall pass over such Company's line of Railway upon the payment of such

tolls or rent and under such conditions and restrictions as may be mutually agreed upon.

Power to demise Railway.

XIX. It shall be lawful for the Justices, with the sanction of the Lieutenant-Governor of Bengal, to demise or lease any Railway constructed or to be constructed by them under the provisions aforesaid, to any Railway Company upon such terms and under such conditions and restrictions as may be mutually agreed upon, and every Company to which any such Railway shall be so demised or leased by such Justices, shall, subject to such conditions and restrictions as aforesaid, have all such and the same powers of maintaining the same and for using and employing thereupon locomotive engines and other moving power, and carriages and wagons to be drawn or propelled thereby, and for carrying and conveying thereupon passengers and goods, and making charges in respect thereof, as the said Justices would have had if such Railway had not been demised or leased.

Town Hall vested in Justices.

XX. From the passing of this Act, the building called the Town Hall of Calcutta, situate on the north side of Esplanade Row in the said Town, together with all houses, out-houses, grounds, buildings, rights, members, and appurtenances whatsoever to the said Town Hall belonging, or in any wise appertaining, or now or at any time heretofore occupied, possessed, or enjoyed, together with or as part of the same, shall be, and the same are hereby, absolutely vested in the Justices.

Buildings used for public Worship to be exempt from rates.

XXI. Buildings used exclusively for purposes of public Worship shall be exempt from all rates and taxes which the Justices have authority to impose upon houses, buildings, or lands within the Town under any Act heretofore passed by the Lieutenant-Governor of Bengal in Council.

Interpretation of the word "Town."

XXII. The word "Town" in the said Acts VI of 1863 and VI of 1866, and in this Act, shall not be taken to include any portion of Fort William, of Esplanade, or of Cooley Bazar, now called Hastings.

Repeal of Acts.

XXIII. The various portions of Acts mentioned in the Schedule hereto, shall from and after the passing of this Act be repealed, save as to any rights theretofore acquired or liabilities theretofore incurred under them respectively, and save as to any Acts or portions of Acts which may have been repealed by them respectively.

Construction.

XXIV. This Act shall be read with and taken as part of the said Acts VI of 1863 and VI of 1866.

SCHEDULE of Laws repealed—(referred to in Section XXIII).

Number and date of Act.	Title.	Extent of Repeal.
Act VI of 1863	An Act to vest the property of the Town of Calcutta, and the management of its Municipal affairs, in a Corporation; and to make better provision for the Conservancy and Improvement of the Town, and for the levying of Rates and Taxes therein.	Sections 39 and 56.
Act VI of 1866...	An Act to amend Act VI of 1863	Sections, 6, 11, 12, 13, and 24

ACT No. X OF 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 6th July* 1867, *and of the Governor-General on the* 10*th idem.*)

An Act to continue the existing Settlement of the Land Revenue in the Districts of Cuttack, Pooree, and Balasore, until the expiration of the year 1304 *Umlee.*

Preamble.

WHEREAS the existing Settlement of the Land Revenue in the Districts of Cuttack, Pooree, and Balasore will expire with the present year 1274 Umlee; and whereas it is expedient to continue the said Settlement for a further period of thirty years: It is enacted as follows:—

The existing Settlement to continue in force.

I. The existing Settlement of the Land Revenue of the districts of Cuttack, Pooree, and Balasore, and all rights and interest recognized or defined thereby, shall continue in force until the expiration of the year 1304 Umlee, subject to the following provisions.

Proprietors may dissent.

II. If any recorded proprietor of an estate or any recorded shareholder in an estate held in common tenancy within the said districts, with respect to which an engagement for the payment of public revenue during the existing Settlement may have been made, shall not be willing to continue such engagement to the expiration of

the year 1304 Umlee, he shall, on or before the first day of September 1867, corresponding with the 18th Bhadoor 1274 Umlee, give notice to this effect in writing to the Collector of the district within which such estate as aforesaid may be situate. On receipt of any such notice, it shall be competent to the Collector to assume the direct management of such estate, or to let the same in farm.

Management of estates of dissenting proprietors.

III. The provisions of Sections 3 and 5, Regulation VII of 1822, shall apply to all estates so taken under direct management or let in farm by the Collector; and also to all estates which are now held under direct management, or let in farm.

Proprietors not giving notice to be responsible for revenue.

IV. All proprietors and shareholders of estates situate within the said districts, with regard to which notice shall not be given within the terms of Section 2 of this Act, are hereby declared to be liable to pay revenue in accordance with the terms of the existing Settlement during the term of thirty years from the expiration of the Umlee year 1274; and any arrears of such revenue shall be recoverable under the provisions of Act XI of 1859, and of every other Act for the time being in force for the recovery of arrears of revenue.

Reg. No. 4980—300—19-11-75.

ACT No. XI OF 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 30th May 1867, and of the Governor-General on the 1st July 1867).

An Act to provide, from Rates to be levied in the Town of Calcutta the expense of the Police of that Town, and to enable the Corporation of the Justices of the Peace for the Town of Calcutta to apply a portion of the Municipal Fund of the said Town for the support of a Pauper Hospital.

Preamble.

WHEREAS it is expedient that the expense of maintaining the Police Force of Calcutta, and of maintaining Pauper Hospitals in the said Town, should be defrayed by rates to be levied upon the said Town; It is enacted as follows:—

Justices may apply a certain sum for the support of Pauper Hospitals.

I. On and after the commencement of this Act, it shall be lawful for the Justices, if they shall at a Special General Meeting think fit, to apply out of the Municipal Fund of the said Town such sum as to them shall seem proper in or towards the maintenance and support of a Pauper Hospital or Pauper Hospitals.

Commissioner of Police to prepare Budget.

II. So soon as conveniently may be after the passing of this Act, the Commissioner of Police for the Town of Calcutta shall transmit to the Justices a Budget or Estimate of the expense of the Police Force of the Town of Calcutta, from the commencement of this

Act up to the first day of January then next ensuing; and on or before the first day of September in each year, the said Commissioner shall transmit to the said Justices a Budget or Estimate of the expense of the said Police Force for the year commencing on the first day of January then next ensuing.

Form of Budget.

III. Such Budget shall show the various heads of the estimated expenditure of the said Police Force, and the intended distribution of the said Police Force in the said Town during the period to which it relates.

Chairman to lay the Budget before the Justices.

IV. The Chairman of the Justices shall forthwith, upon the receipt of any such Budget, or of any such supplemental Budget as hereinafter is mentioned, cause the same to be printed, and a copy thereof sent by post or otherwise to each of the Justices of the Peace resident within twenty miles of Government House; and not less than ten nor more than twenty days after the receipt of the first of such Budgets, or of any such supplemental Budget as hereinafter is mentioned, shall lay the same before a Special General Meeting of the Justices: and shall lay every subsequent yearly Budget before the Justices at the Quarterly Meeting of the Justices to be held in the month of October next after the receipt of the same.

Justices may pass, reject, or modify Budget, and the Budget as passed shall be submitted to the Lieutenant-Governor.

V. It shall be in the discretion of the Justices to pass or to reject, or to modify, the estimates of all or any sums entered in the Budget, and the Budget as passed shall be submitted to the Lieutenant-Governor of Bengal.

Power to bring in a supplemental Budget.

VI. In case, during any period for which a Police Budget shall have been passed and submitted as aforesaid, it shall appear that the amount provided by such Budget is insufficient to defray the necessary expense of the said Police Force for such period, it shall be lawful for the said Commissioner of Police to prepare a supplemental Budget for such period, and the provisions of the last three preceding Sections shall apply to such supplemental Budget.

VII. The amount of such estimates as may be so passed shall, after deducting therefrom such amount as may from time to time be allowed by the Government from the General Revenues towards the maintenance of the said Police Force, be paid to the said Lieutenant-Governor by the Justices out of the annual proceeds of the rate to be imposed as hereinafter is mentioned.

Amount of estimates to be paid to Government.

VIII. On or before the first day of April in every year, the said Commissioner of Police shall present to the Chairman of the Justices, to be laid before the Justices at their next Monthly Meeting, an account of the expense of the Police Force of Calcutta for the year ending the thirty-first day of December then next preceding, and in case the amount which shall, during such year, have been paid to the said Lieutenant-Governor under the provisions hereinbefore contained, shall not have been expended in the maintenance of the said Force, the balance remaining unexpended shall be deemed to have been paid by the Justices in or towards discharging the expense of the said Police Force during the ensuing year.

Commissioner to give accounts of Police expenditure.

IX. For the purpose of providing for the amount hereinbefore directed to be paid to the said Lieutenant-Governor, and of providing for the cost of collection of such amount, it shall be lawful for the Justices to impose, in addition to any rates which may be payable under Act VI of 1863 or Act VI of 1866 passed by the Lieutenant-Governor of Bengal in Council, an annual Police rate upon all houses, buildings, and lands in the Town, not exceeding three per centum of their annual value. Provided that it shall be at the option of the Justices, in lieu of such rate, to levy upon any land a fixed annual rate not exceeding one Rupee and four annas for every cottah.

Police rate to be paid in respect of property in Calcutta.

X. Such rate shall be payable by the occupiers of the houses, buildings, lands, and huts, respectively subject thereto, by equal quarterly instalments.

Mode of levying Police rate.

Power to assess owners in certain cases.

XI. If any house or tenement shall be occupied by more than one tenant holding in severalty, or shall be of less annual value than one hundred Rupees, it shall be lawful for the Justices to assess the owner of such house or tenement, or the owner of the land on which such house or tenement may be situate, and to recover from such owner the rate imposed thereon under this Act.

Owner to recover from occupier rates paid by owner.

XII. Whenever any rate shall be recovered from or paid by any owner of any land, house, or tenement under the provisions of the Section next preceding, it shall be lawful for such owner, if there shall be but one occupying tenant of such land, house, or tenement, to recover from such tenant the entire amount of the rate which shall have been so paid by such owner; and if there shall be more than one occupying tenant of such land, house, or tenement, to recover from each of such tenants, such sum as shall bear to the entire amount of rate which may have been so paid by such owner, the same proportion as the value of the portion of such land, house, or tenement in the occupation of such tenant bears to the entire value of such land, house, or tenement.

Owner for recovering rates to have same power as for recovering rent.

XIII. Every owner who, under the provisions of the Section next preceding, may be entitled to recover any sum from any occupying tenant of any land, house, or tenement or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to such owner by such tenant in respect of so much of such land, house, or tenement as may be in the occupation of such tenant.

Construction.

XIV. This Act shall be construed with, and as part of, the said Act VI of 1863.

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XV. This Act shall commence and take effect from the first day of April 1867.

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